

LOWELL DECL. EX. 10

Exhibit 11

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3
4 SHABTAI SCOTT SHATSKY, et al.,)
5 Plaintiffs,)
6 v.) Civil Action No.
7 THE SYRIAN ARAB REPUBLIC, et al.,) 1:02-CV-02280 (RJL)
8 Defendants.)
9 _____)
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11
12
13 VIDEOTAPED DEPOSITION OF
14 IBRAHIM DAHBOUR
15 JERUSALEM, ISRAEL
16 SEPTEMBER 12, 2012
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25 REPORTED BY: AMY R. KATZ, RPR

1 Videotaped deposition of IBRAHIM DAHBOUR,
2 taken in the above-entitled cause pending in the
3 United States District Court for the District of
4 Columbia, pursuant to notice, before AMY R. KATZ, RPR,
5 at the American Colony Hotel, Pasha Room, Jerusalem,
6 Israel, on Wednesday, the 12th day of September, 2012,
7 at 9:29 a.m.

8

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5 ALBERT AGHAZARIAN, Official Arabic Interpreter

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7 MORDECHAI HALLER, Advocate

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I N D E X

2

WITNESS

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Ibrahim Dahbour

4

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EXAMINATION

PAGE

6

By Mr. Schoen

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E X H I B I T S

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LETTER DESCRIPTION

MARKED

11

Exhibit A Extract from GIS File
(Bates 07:000051 to 07:000054)

70

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Exhibit B Extract from GIS File
(Bates 07:000063 to 07:000067)

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S E A L E D E X H I B I T S

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NUMBER DESCRIPTION

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17

Exhibit 1 Narrative Statement, Page 1
(Retained by Counsel)
(No Bates Number)

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Exhibit 1A Narrative Statement, Page 2
(Retained by Counsel)
(No Bates Number)

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Q U E S T I O N S I N S T R U C T E D

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N O T T O A N S W E R

25

(None.)

1 PROCEEDINGS
2

09:29:24 3 THE VIDEOGRAPHER: This is the videotape
09:29:24 4 deposition of Ibrahim Dahbour, taken by David Schoen,
09:29:31 5 in the matter of Shatsky versus Syrian Arab Republic,
09:29:37 6 at the Colony Hotel, Jerusalem, Israel, on September 12,
09:29:44 7 2012.

09:29:45 8 The court reporter is Amy Katz. Mitchell
09:29:47 9 Coopersmith is the videographer.

09:29:50 10 Will the counsel now state your appearance.

09:29:52 11 MR. SCHOEN: Yeah, we've also just been saying
09:29:54 12 who else is in the room.

09:29:55 13 So I'll say on our side, I'm David Schoen.
09:29:58 14 Mordechai Haller is here -- excuse me -- Avi Leitner.
09:30:06 15 The translators are here -- I'll just announce that
09:30:09 16 each day -- Albert and Dov. They're not in the room
09:30:12 17 this second, but they were and they will be. Two other
09:30:15 18 people, Noa Meridor and Arieh Spitzen. They've been
09:30:20 19 here for other depositions as well. Those are the
09:30:23 20 people identified earlier as consulting experts.

09:30:26 21 That's it for our side.

09:30:27 22 MR. HIBEY: Richard Hibey and Timothy O'Toole,
09:30:29 23 for the defendants, with our check translator, George
09:30:33 24 Hazou.

09:30:35 25 Before we get started, could somebody tell me,

09:30:36 1 now that Mr. Haller is in the room, what the intentions
09:30:41 2 are with respect to the witnesses of the day?

09:30:48 3 MR. HALLER: Mr. Schoen will.

09:30:49 4 MR. SCHOEN: Okay. As I said before we went
09:30:51 5 on the record -- but Mr. Haller wasn't here -- I worked
09:30:55 6 last night pretty hard to streamline things so that --
09:31:01 7 I think he should get a translation.

09:31:07 8 OFFICIAL INTERPRETER RABINOVITCH: It's okay.
09:31:07 9 I can translate.

09:31:07 10 MR. SCHOEN: Okay. Okay.

09:31:08 11 OFFICIAL INTERPRETER RABINOVITCH: I can
09:31:08 12 translate for him, just I wouldn't disturb you, yeah?

09:31:11 13 MR. SCHOEN: No, no, you're not disturbing me.
14
15 (The following proceedings were conducted
16 through the Official Arabic Interpreters,
17 unless otherwise indicated.)
18
09:31:14 19 MR. SCHOEN: -- to streamline things last
09:31:14 20 night to move quickly through the witnesses.

09:31:17 21 On Dr. Swailem, who I may have mentioned
09:31:20 22 yesterday, we may be able to forego. Mr. Haller raised
09:31:24 23 with me the point that we don't know who Dr. Swailem is,
09:31:29 24 frankly, anything about him other than his name. And
09:31:32 25 we wanted to know something about who he is, what his

09:31:36 1 background is, before we made the decision as to how
09:31:39 2 to proceed or whether to proceed with him. So that --
09:31:41 3 that's the best answer I can give about him.

09:31:45 4 Doctor -- Mr. Shaqbu'a, again, I hate for you
09:31:50 5 to rely on my representation entirely about time, but
09:31:54 6 I do not anticipate a long deposition.

09:31:57 7 And as I understand it, the -- what
09:32:00 8 Mr. McAleer wrote in his e-mail last night was that
09:32:04 9 rather than having Dr. Shaqbu'a sitting in a spot,
09:32:09 10 just waiting --

09:32:10 11 MR. HIBEY: Dr. Swailem.

09:32:11 12 MR. O'TOOLE: Dr. Shaqbu'a?

09:32:11 13 MR. SCHOEN: Mr. Shaqbu'a. Either -- this
09:32:11 14 is --

09:32:12 15 MR. O'TOOLE: Mr. Shaqbu'a.

09:32:13 16 MR. HIBEY: I'm sorry. He said "doctor."

09:32:15 17 MR. SCHOEN: Yes. Shaqbu'a, the third witness
09:32:18 18 today.

09:32:20 19 MR. HIBEY: Yes.

09:32:20 20 MR. SCHOEN: Mr. McAleer said that it would
09:32:22 21 be more convenient for him to just sort of be on call
09:32:26 22 so that, if we told him now we're ready for him, he
09:32:27 23 would require just 30 to 45 minutes to produce him.
09:32:30 24 And I think he's being produced in Amman, Jordan,
09:32:34 25 actually.

09:32:35 1 MR. HIBEY: Correct.

09:32:41 2 MR. SCHOEN: And then -- I don't know if you

09:32:41 3 have the mike on.

09:32:42 4 And then Dr. Swailem, my understanding is he's

09:32:44 5 going to be coming from Ramallah. But I intend to tell

09:32:49 6 you as soon as -- absolutely as soon as possible whether

09:32:51 7 we're going to need him at all and, if we are going to

09:32:55 8 need him, how long I would estimate that examination

09:32:58 9 to be.

09:33:00 10 MR. HIBEY: All right. Just to make it clear,

09:33:04 11 Dr. Swailem will be testifying from Ramallah.

09:33:09 12 MR. SCHOEN: Yes, sir, sure, by the

09:33:10 13 videoconference. Both of the other two witnesses today,

09:33:13 14 if they are called, will be by videoconference.

09:33:17 15 MR. HIBEY: We have Dr. Swailem coming in.

09:33:21 16 As I understood from yesterday's discussions on the

09:33:25 17 subject, that it was talked about getting to him in

09:33:32 18 the twelve o'clock hour. And we will have him in the

09:33:38 19 site for the taking of the deposition before that time.

09:33:44 20 MR. SCHOEN: Okay. Yes, we were told he would

09:33:46 21 be produced around twelve o'clock today. We understand

09:33:49 22 that.

09:33:52 23 MR. HIBEY: He will be there before that.

09:33:53 24 MR. SCHOEN: Okay. All right. The witness

09:33:54 25 today, Mr. Dahbour.

09:33:58 1 THE VIDEOGRAPHER: The court reporter will
09:33:58 2 swear in the witness and the interpreters.
09:33:58 3 THE COURT REPORTER: First the interpreters.
09:33:58 4
09:33:58 5 ALBERT AGHAZARIAN
09:33:58 6 -and-
09:33:58 7 DOV RABINOVITCH,
09:33:58 8 the Official Arabic Interpreters, were
09:33:58 9 duly affirmed to translate from English
09:33:58 10 to Arabic and from Arabic to English.
09:33:58 11
09:33:58 12 IBRAHIM DAHBOUR,
09:33:58 13 called as a witness, being first duly
09:33:58 14 affirmed, was examined and testified
09:33:58 15 as hereinafter set forth.
09:33:58 16
09:34:24 17 MR. SCHOEN: Mr. Dahbour, again, based on
09:34:27 18 Mr. McAleer's e-mail, is being produced -- Mr. McAleer's
09:34:32 19 characterization -- I'm reading from an e-mail of
09:34:35 20 September 10th, 2012 -- said that Mr. Dahbour's
09:34:39 21 knowledge will relate to the Kalkilya-specific security
09:34:43 22 issues implicated by Topics 3 and 4 of plaintiffs' PA
09:34:48 23 notice, as well as the Kalkilya-specific security issues
09:34:53 24 raised by Topic 10 of the PA notice.
09:35:00 25 That Kalkilya-specific security issues is not

09:35:05 1 anything that's listed in categories -- those Topics 3,
09:35:10 2 4, or 10. But I take it to mean by this representation
09:35:15 3 that Mr. Dahbour's principal area of testimony today
09:35:19 4 will be on those issues, that is, the Kalkilya-specific
09:35:23 5 security issues.

09:35:28 6 MR. HIBEY: Yes.

09:35:37 7 THE WITNESS: He informed me that the focus
09:35:45 8 would be on security issues in Kalkilya.

09:35:47 9

09:35:47 10 EXAMINATION

09:35:47 11 BY MR. SCHOEN:

09:35:49 12 Q. Okay. Mr. Dahbour, first please pronounce
09:35:54 13 your name for me so I get it right.

09:35:58 14 A. My name is Ibrahim Dahbour.

09:36:03 15 Q. Dahbour. So I can call you Mr. Dahbour?

09:36:11 16 OFFICIAL INTERPRETER AGHAZARIAN: No problem
09:36:12 17 with the "H" in English? You can drop it.

09:36:14 18 MR. SCHOEN: Take it easy. I can handle it.

09:36:17 19 Q. BY MR. SCHOEN: Okay. Mr. Dahbour, how old
09:36:19 20 are you?

09:36:22 21 A. I am born on the 1st of July, '71 --

09:36:26 22 OFFICIAL INTERPRETER RABINOVITCH: '61.

09:36:26 23 OFFICIAL INTERPRETER AGHAZARIAN: "'61."

09:36:26 24 Sorry.

09:36:27 25 THE WITNESS: I am 52 years old -- 51 years

09:36:32 1 old.

09:36:32 2 Q. BY MR. SCHOEN: 51 years young.

09:36:36 3 Where do you live?

09:36:37 4 A. I live in Azun in the governorate of Kalkilya.

09:36:46 5 Q. How long have you lived in Kalkilya?

09:36:47 6 A. All the time.

09:36:52 7 Q. Your whole life?

09:36:56 8 A. (Witness nods head in the affirmative.)

09:36:58 9 Q. Did you go to school in Kalkilya?

09:37:03 10 A. In Azun.

09:37:04 11 Q. That's a nearby town?

09:37:08 12 A. It's nine kilometers. It's the same area,

09:37:13 13 same district.

09:37:15 14 Q. How far did you go in --

09:37:16 15 MR. HIBEY: Excuse me. Excuse me, Counsel.

09:37:16 16 Could we ask the interpreter, Mr. Rabinovitch --

09:37:19 17 OFFICIAL INTERPRETER RABINOVITCH: Yes?

09:37:20 18 MR. HIBEY: -- to raise his voice?

09:37:24 19 OFFICIAL INTERPRETER RABINOVITCH: Yeah.

09:37:24 20 I'm just trying to translate to be discreet, so I don't

09:37:25 21 disturb the proceedings.

09:37:26 22 MR. HIBEY: No, I appreciate your discretion.

09:37:29 23 But I've got a check translator down here who wants

09:37:33 24 to --

09:37:34 25 OFFICIAL INTERPRETER RABINOVITCH: Oh, you

09:37:34 1 want me to speak louder?

09:37:39 2 MR. HIBEY: -- wants to hear it. Yes.

09:37:40 3 OFFICIAL INTERPRETER RABINOVITCH: No problem.

09:37:40 4 No problem.

09:37:40 5 MR. HIBEY: Thank you very much.

09:37:40 6 Q. BY MR. SCHOEN: How far did you go in school?

09:37:45 7 A. In Azun?

09:37:46 8 Q. Any school.

09:37:46 9 What's the most schooling you did?

09:37:50 10 A. I finished my elementary, preparatory, and

09:37:54 11 secondary studies in Azun. And I did BA in sociology

09:38:00 12 in Bir Zeit University. And I was preparing my

09:38:04 13 Master's -- I had two courses to go. But I dropped

09:38:09 14 before that.

09:38:10 15 Q. Also at Bir Zeit?

09:38:12 16 A. Yes.

09:38:13 17 Q. And where is Bir Zeit located?

09:38:16 18 A. It's in the Ramallah district, governorate.

09:38:19 19 MR. SCHOEN: I think you knew that already,

09:38:21 20 Albert.

09:38:27 21 Q. BY MR. SCHOEN: You live in a house or in

09:38:29 22 an apartment?

09:38:33 23 A. In a house.

09:38:34 24 Q. In a house.

09:38:34 25 Who pays for that house?

09:38:42 1 A. This is a property that I inherited from my
09:38:45 2 father. It's -- it's mine.

09:38:47 3 Q. Paid for?

09:38:49 4 A. Yes.

09:38:49 5 Q. You have a family?

09:38:54 6 A. I am married. I have four girls and two boys.

09:39:02 7 Q. How are you employed?

09:39:16 8 A. Almost from 1995, I work in the GIS.

09:39:21 9 Q. What's the GIS?

09:39:29 10 A. Its description, meaning?

09:39:33 11 Q. Let me -- let me say for these purposes, if
09:39:36 12 it's okay, because we've spoken to other witnesses about
09:39:39 13 this, we'll all refer to GIS as the General Intelligence
09:39:43 14 Services. Okay.

09:39:51 15 A. It's like the body of the General
09:39:53 16 Intelligence.

09:39:55 17 Q. GIS is one of the law enforcement agencies?
09:40:01 18 It's a law enforcement agency?

09:40:09 19 A. It is a security apparatus to gather
09:40:13 20 information and impose -- imposing law that's through
09:40:25 21 the tribunate.

09:40:26 22 (Court reporter clarification.)

09:40:28 23 OFFICIAL INTERPRETER AGHAZARIAN: It's through
09:40:27 24 the tribunate, through the courts.

09:40:28 25 Q. BY MR. SCHOEN: Is the GIS under the PA or the

09:40:33 1 PLO?

09:40:34 2 A. The PA.

09:40:37 3 Q. Okay. Today also, I'm going to use the term

09:40:41 4 "PA" and "PNA" to mean the same thing, if that's okay

09:40:47 5 with you.

09:40:55 6 A. I get it.

09:40:56 7 Q. Okay. What were your -- since 1995, you've

09:41:02 8 worked with the GIS, all the way through today?

09:41:10 9 A. Yes, until today.

09:41:11 10 Q. What did you do for work before 1995?

09:41:18 11 A. I had different works in farming, a regular

09:41:25 12 worker. That's the areas I worked in.

09:41:29 13 Q. Around the Kalkilya area, always?

09:41:33 14 A. Yes.

09:41:34 15 Q. Did you have some training for the GIS before

09:41:38 16 you joined the GIS?

09:41:47 17 A. No, I haven't.

09:41:49 18 Q. No security training?

09:41:58 19 A. I got the training after I joined the GIS.

09:42:01 20 Q. I see. And what kind of training did you get

09:42:05 21 after you joined the GIS?

09:42:16 22 A. Mostly in information gathering in a proper

09:42:19 23 manner, all human rights laws and ways to preserve

09:42:31 24 security within the community.

09:42:35 25 Q. Were you trained in how to interview a person

09:42:37 1 who you were interested in learning more about?

09:42:48 2 A. Correct.

09:42:50 3 Q. And in your work since 1995 through today --

09:42:57 4 let me back up.

09:43:03 5 All of the questions I ask you, unless I

09:43:05 6 say differently, I'm referring to the period from 1995

09:43:12 7 through today. But if something was different during

09:43:21 8 some period of time within that period, just tell me,

09:43:29 9 if you would.

09:43:30 10 A. Work outside the GIS?

09:43:37 11 Q. No. I'm going to ask you about your job in

09:43:41 12 the GIS and how you performed that job and things like

09:43:47 13 that.

09:43:49 14 So if there's any difference in the answer to

09:43:54 15 any of those questions, if things changed between 1995

09:44:02 16 and today with respect to the question I'm asking you,

09:44:11 17 just tell me, if that's okay.

09:44:17 18 A. Okay.

09:44:20 19 Q. Now, when you learned how to properly

09:44:24 20 interview a person you were interested in getting

09:44:28 21 intelligence on, were you taught to record -- make

09:44:37 22 a recording of the statement?

09:44:49 23 A. I have learned doing interviews in a general

09:44:53 24 manner, without the technological tools.

09:45:04 25 Q. Have you ever made a recording of an interview

09:45:06 1 of a suspect?

09:45:10 2 A. Not technical, but in writing.

09:45:12 3 Q. Oh. You would take notes from the interview?

09:45:16 4 A. Yes.

09:45:17 5 Q. During the interview?

09:45:25 6 A. Yes. After that, the suspect reads it, and

09:45:30 7 he signs it.

09:45:31 8 Q. I see. That -- that would be your standard --

09:45:34 9 CHECK INTERPRETER HAZOU: A second. You

09:45:38 10 missed another piece. He will ask him to sign it.

09:45:42 11 If he wants to sign it, he will sign it. If he doesn't,

09:45:45 12 then he won't sign it.

09:45:48 13 That's what he said.

09:45:49 14 THE WITNESS: If he doesn't like what's noted,

09:45:52 15 then he doesn't have to sign.

09:45:53 16 Q. BY MR. SCHOEN: And if he tells you to change

09:45:56 17 something, you might make that change that he says?

09:46:01 18 A. Of course.

09:46:03 19 Q. And what you're describing, that's the general

09:46:09 20 practice within the GIS, as far as you know?

09:46:19 21 A. According to the best of my knowledge, yes.

09:46:23 22 Q. And after the interview, you would go back to

09:46:27 23 your office?

09:46:32 24 A. We do the interviews in the office.

09:46:35 25 Q. In the office.

09:46:37 1 After the interview, did you make notes for
09:46:39 2 yourself?
09:46:41 3 A. Yes.
09:46:41 4 Q. You created a file for this person?
09:46:50 5 A. Yes. After we finish, we make a dossier for
09:46:54 6 the person and follow up after he leaves -- he leaves
09:46:59 7 us. And each person has a file within the archives.
09:47:07 8 Q. And you make that file -- your notes in that
09:47:10 9 file. And the documents you keep in that dossier or
09:47:15 10 file contain a complete account of all that you have
09:47:25 11 learned about this person, this suspect?
09:47:34 12 A. Correct.
09:47:35 13 Q. Because one day you might need to refer
09:47:37 14 to the notes or the documents to remember about this
09:47:41 15 person?
09:47:48 16 A. Correct.
09:47:49 17 Q. And you might have a supervisor who needs
09:47:54 18 to look at the file, to see what happened with the
09:47:58 19 investigation?
09:48:08 20 A. Of course, immediately after the interview,
09:48:10 21 the supervisor looks into -- into what has been done.
09:48:17 22 Q. I see.
09:48:21 23 A. The final decision is for my immediate
09:48:24 24 superior.
09:48:25 25 Q. So the supervisor needs to review the file

09:48:30 1 also, to know what happened fully?

09:48:37 2 A. Of course, he has to -- to look into it.

09:48:40 3 Q. And he speaks with you or the investigating

09:48:43 4 officer to find out about the case?

09:48:54 5 A. It's possible, whether there was something

09:48:57 6 that was not tackled, or neglected. So he fills up

09:49:02 7 the gaps.

09:49:03 8 Q. The supervisor fills -- oh, I see.

09:49:06 9 The investigating officer fills in the gaps

09:49:09 10 for the supervisor?

09:49:12 11 A. Based on the instructions of the superior.

09:49:15 12 Q. Okay. Starting in 1995, were you given a

09:49:24 13 rank in the GIS?

09:49:34 14 A. From the first day that I joined the -- the

09:49:37 15 GIS?

09:49:38 16 Q. When did you first get a rank within the GIS?

09:49:47 17 A. After a year and a half from getting started.

09:49:51 18 Q. And what's that rank called?

09:49:55 19 A. Sergeant.

09:49:56 20 OFFICIAL INTERPRETER RABINOVITCH:

09:49:56 21 "Lieutenant."

09:49:56 22 THE WITNESS: (In English.) Lieutenant.

09:49:59 23 OFFICIAL INTERPRETER AGHAZARIAN: Sorry.

09:50:00 24 "Lieutenant."

09:50:01 25 Q. BY MR. SCHOEN: What were your job duties,

09:50:04 1 if you recall, when you first started at the GIS?

09:50:14 2 A. The task that I was assigned to?

09:50:20 3 Q. Yes.

09:50:21 4 A. In sequence?

09:50:23 5 Q. If you could, please. If you remember.

09:50:24 6 A. The first six months, my job was to

09:50:33 7 gather information. Then I became in charge of

09:50:41 8 the interrogation department. I was supervising

09:50:51 9 for the various sectors. I was in charge of all

09:50:56 10 the information-gathering units.

09:51:00 11 Q. When did that start?

09:51:01 12 I'm sorry.

09:51:02 13 When did you become in charge of all the

09:51:06 14 investigating units?

09:51:15 15 A. In the mid 2004.

09:51:18 16 Q. Uh-huh. Let's back up a little bit, then.

09:51:24 17 In the time frame, let's say, 1998 to 2002,

09:51:30 18 what were your job duties at the GIS?

09:51:35 19 (Pending question partially translated.)

09:51:38 20 OFFICIAL INTERPRETER RABINOVITCH: Two

09:51:38 21 thousand and?

09:51:41 22 MR. SCHOEN: Two. '98 to 2002.

09:51:43 23 (Remainder of pending question translated.)

09:51:44 24 THE WITNESS: I was in charge of

09:51:45 25 interrogation.

09:51:46 1 Q. BY MR. SCHOEN: In charge of interrogation
09:51:48 2 in Kalkilya?
09:51:51 3 A. Yes.
09:51:52 4 Q. And there -- were there -- are there other
09:51:54 5 GIS offices besides in Kalkilya?
09:52:01 6 A. In the office?
09:52:03 7 Q. Are there other GIS offices in other towns?
09:52:11 8 A. No. It's only in the city of Kalkilya, at
09:52:15 9 one office.
09:52:16 10 MR. SCHOEN: I wasn't -- I'm not being clear
09:52:19 11 in my question. It's my fault. Tell him what I just
09:52:23 12 said.
09:52:25 13 OFFICIAL INTERPRETER RABINOVITCH: Yes. Could
09:52:26 14 you please repeat the question so we can be clear about
09:52:27 15 that?
09:52:28 16 MR. SCHOEN: Yes, but I want him to hear me
09:52:31 17 say I'm not being clear about my question so it's my
09:52:34 18 fault.
09:52:34 19 (Last colloquy translated.)
09:52:34 20 Q. BY MR. SCHOEN: There's one GIS office in
09:52:36 21 Kalkilya?
09:52:41 22 A. In the governorate of Kalkilya. It is in the
09:52:45 23 town.
09:52:46 24 Q. Are there other towns that have GIS offices?
09:52:57 25 A. In the governorate?

09:52:59 1 Q. Like Ramallah, is there a GIS office in
09:53:05 2 Ramallah?

09:53:06 3 A. In every governorate, there is an office.

09:53:11 4 Q. That was my question. Thank you.

09:53:14 5 A. I asked you whether it is within the
09:53:16 6 governorate or outside the governorate.

09:53:20 7 Q. My fault.

09:53:24 8 In Kalkilya, what is the address of the GIS
09:53:27 9 office?

09:53:29 10 A. The actual?

09:53:36 11 OFFICIAL INTERPRETER RABINOVITCH: The
09:53:36 12 address?

09:53:38 13 MR. SCHOEN: Yes.

09:53:39 14 THE WITNESS: It has been moving from a
09:53:42 15 location to another location. From '95 until 2005,
09:53:49 16 it was located in a certain area.

09:53:51 17 Q. BY MR. SCHOEN: What's that area?

09:53:57 18 A. The first office was where the Israelis were
09:54:03 19 located, and the GIS, the Israelis, the same location.

09:54:09 20 Q. Do you know the address, actually?

09:54:10 21 A. It is the main road to Nablus.

09:54:13 22 Q. When you say the Israelis were there also,
09:54:17 23 you were working with Israeli intelligence together?
09:54:20 24 GIS and Israeli intelligence were working together in
09:54:25 25 the office?

09:54:31 1 A. No. The Israelis handed it to the PA and
09:54:36 2 we -- that's how we got in.
09:54:38 3 Q. Oh.
09:54:39 4 A. In December of '95.
09:54:42 5 Q. So you took over the office that the Israelis
09:54:45 6 had been using?
09:54:50 7 A. Correct.
09:54:54 8 Q. Is there a name for that building?
09:54:58 9 A. It's the GIS. It has no name.
09:55:03 10 Q. Is it a large building?
09:55:08 11 A. One floor.
09:55:09 12 Q. One floor.
09:55:11 13 How many offices in there, if you remember?
09:55:22 14 A. I don't know exactly. I can't -- but there
09:55:26 15 is a large number of offices.
09:55:29 16 Q. In that period in that office, 1995 to 2005,
09:55:39 17 do you recall how many GIS people were working in the
09:55:42 18 office in Kalkilya?
09:55:53 19 A. From '95 to 2005?
09:55:58 20 Q. I can make it smaller if that's -- if you
09:56:01 21 don't recall the exact date.
09:56:03 22 Do you recall, between '95 and 2005, how many
09:56:13 23 people at any given time were working in the office?
09:56:27 24 A. There isn't any specific number. The numbers
09:56:31 25 vary all the time.

09:56:34 1 Q. Okay. So let's take the period 1998 to 2002,
09:56:37 2 do you recall about how many GIS employees were assigned
09:56:47 3 to the Kalkilya office?

09:56:57 4 A. No.

09:56:58 5 Q. More than five?

09:57:02 6 A. Yes. More.

09:57:03 7 Q. More than ten?

09:57:09 8 A. More than ten. But after that number, it's
09:57:13 9 difficult for me to estimate.

09:57:15 10 Q. You don't want me to just continue mentioning
09:57:18 11 numbers?

09:57:22 12 A. There are people who are known to me and there
09:57:25 13 are people who are not.

09:57:27 14 Q. Okay. Tell me the names of everyone you
09:57:29 15 recall who worked for the GIS in Kalkilya between 1998
09:57:35 16 and 2002 and tell me what their position was, if you
09:57:46 17 recall.

09:57:55 18 A. In '98, Abdullah Daoud was the head of the GIS
09:58:03 19 in Kalkilya. In 1999, it was Ibrahim Khaber. Until the
09:58:14 20 beginning of 2001, Azzam Zakarneh took over. At the end
09:58:29 21 of 2004, beginning 2005, Jamal Jabara took over.

09:58:37 22 Q. Do you remember the names of anyone else
09:58:38 23 working in the office during that period?

09:58:42 24 A. Ibrahim Teetan. Ibrahim Teetan was the
09:58:55 25 deputy of Jamal Jabara for a while. I remember Rafik

09:59:03 1 Mara'abeh, who currently is retired. Ma'ath Shamasneh,
09:59:17 2 he also retired. Samer Abu Hanieh is also on pension,
09:59:29 3 retired. Naim Zumari, he also retired. And I should
09:59:39 4 retire also. It's coming up. They extended for me
09:59:44 5 for a while, but I should also retire.

09:59:54 6 Q. Anyone else?

09:59:56 7 A. Mahmoud Malouhk, who is currently working
10:00:04 8 in Ramallah. Abdel Halim Za'arur, he is also working
10:00:15 9 in the operations department in Ramallah almost since
10:00:20 10 the last year and a half. Ziad Quzmar. These are the
10:00:40 11 names that come to my mind.

10:00:44 12 Q. Thank you.

10:00:44 13 Is -- oh, I knew that one.

10:00:45 14 Is the headquarters of the GIS located in
10:00:54 15 Ramallah?

10:00:55 16 A. The main headquarters?

10:00:57 17 Q. Yes.

10:00:58 18 A. Yes.

10:01:04 19 Q. I believe you said your job stayed the same
10:01:07 20 until 2005?

10:01:08 21 (Pending question partially translated.)

10:01:17 22 OFFICIAL INTERPRETER RABINOVITCH: What year?

10:01:20 23 MR. SCHOEN: 2005.

10:01:20 24 (Remainder of pending question translated.)

10:01:25 25 THE WITNESS: I said that I was engaged for

10:01:29 1 six months in information gathering.

10:01:31 2 Q. BY MR. SCHOEN: Okay.

10:01:33 3 A. And then until the end of 2004, I was in

10:01:36 4 charge of interrogation.

10:01:38 5 Q. Yes.

10:01:39 6 A. And then I became supervisor for the various

10:01:44 7 sectors and the offices dealing with information

10:01:47 8 gathering. 2006, I became head of operations. 2008,

10:01:53 9 I was deputy director and also in the operations

10:01:57 10 department.

10:01:59 11 Q. Let me just stop one second.

10:02:02 12 When you say "head of operations," you mean

10:02:05 13 for the Kalkilya office?

10:02:10 14 A. For the governorate or the district of

10:02:13 15 Kalkilya.

10:02:14 16 Q. Okay. And the position after that, which I

10:02:16 17 think you described as deputy director, that's a higher

10:02:25 18 position than head of operations?

10:02:29 19 A. Yes.

10:02:29 20 Q. And it's also deputy director for the

10:02:32 21 governorate of Kalkilya?

10:02:37 22 A. Yes, for the governorate of Kalkilya.

10:02:42 23 Q. And that position, is it fair to say you

10:02:49 24 supervised the investigating officers for the Kalkilya

10:02:51 25 governorate GIS office?

10:03:01 1 A. Is it in the position of deputy head?

10:03:10 2 Q. What is the position of deputy head? What

10:03:15 3 do you do in that position?

10:03:16 4 A. The deputy fills up all the functions that

10:03:27 5 the head assigns for him. So in case that the head

10:03:33 6 is absent, he fills up for him.

10:03:37 7 Q. So if the head is absent, you're in charge

10:03:41 8 of the entire GIS Kalkilya governorate office; correct?

10:03:50 9 A. Yes.

10:03:51 10 Q. And if the head is present, you're the number

10:03:54 11 two man for the office?

10:03:59 12 A. Correct.

10:04:02 13 Q. All right. Did you have a position after you

10:04:04 14 were deputy head?

10:04:14 15 A. Please clarify. I don't get it.

10:04:17 16 Q. After head of operations, you became deputy

10:04:21 17 head?

10:04:29 18 A. Yes. Correct.

10:04:32 19 Q. After that, have you had any other job, after

10:04:39 20 you were deputy head?

10:04:51 21 A. Simultaneously, I was deputy head and head of

10:04:56 22 operations. And after that, there was a decision that

10:05:01 23 you should carry only one title. So they told me, you

10:05:10 24 know: You would be better off being deputy director.

10:05:19 25 In May 2011, I was transferred to Ramallah

10:05:25 1 for the central operations as assistant to the central
10:05:31 2 operations commander. And in June 2012, the director
10:05:44 3 wanted me back in Kalkilya to work closely with him.

10:05:49 4 Q. The director of the Kalkilya governorate
10:05:51 5 wanted you to work in Kalkilya again?

10:06:00 6 A. He didn't request me directly. But from the
10:06:04 7 head of the GIS, he requested that I work closely with
10:06:08 8 him.

10:06:09 9 Q. What is your position today?

10:06:13 10 A. Deputy director.

10:06:15 11 Q. Of the Kalkilya governorate office of the GIS?

10:06:23 12 A. Correct.

10:06:24 13 Q. I didn't ask you at the beginning: What is
10:06:28 14 your full name? Just Ibrahim Dahbour?

10:06:29 15 A. Ibrahim Abdullah Hamed Dahbour.

10:06:37 16 Q. Do you have some kind of ID number also?

10:06:43 17 A. 909195547.

10:06:53 18 Q. Is that a number the PA gives or the PLO?

10:07:02 19 A. The number of the ID? No. I carry --
10:07:09 20 this number has been since the -- you had the Civil
10:07:14 21 Administration, Israeli. (Indicating.)

10:07:18 22 Q. I see.

10:07:20 23 A. Since I was 15, it's the same number.

10:07:24 24 Q. It's an Israeli number, you're saying?

10:07:26 25 A. It's an Israeli number.

10:07:29 1 Q. I see. Of what -- where are you a citizen?

10:07:36 2 A. Not a single country.

10:07:38 3 Q. I see. Not an Israeli citizen?

10:07:44 4 A. I lived under Israeli rule, but I wasn't a

10:07:48 5 citizen.

10:07:55 6 Q. I asked you before about the file that you

10:07:59 7 keep in an investigation.

10:08:07 8 You remember?

10:08:11 9 A. Which file?

10:08:12 10 Q. No, just the general procedures for a file.

10:08:20 11 A. Correct.

10:08:21 12 Q. If an investigation is conducted in Kalkilya,

10:08:31 13 that file that's created from the investigation, is that

10:08:37 14 kept in the Kalkilya office of the GIS?

10:08:50 15 A. Let me clarify specifically this point. The

10:08:56 16 original dossier with the -- with the papers attached

10:09:01 17 to it is in Kalkilya. But there is a resum [sic] -- but

10:09:12 18 we send a resum [sic] to the head of the GIS operations.

10:09:17 19 But the main dossier is in the archives.

10:09:22 20 Q. When you say "resum," does that mean a

10:09:25 21 summary?

10:09:27 22 A. Yes.

10:09:28 23 Q. Where's the archives kept?

10:09:34 24 A. Within the building of the GIS.

10:09:38 25 Q. In Kalkilya?

10:09:39 1 A. Yes.

10:09:41 2 Q. Do you have access to those archives?

10:09:51 3 A. Ex-officio, yes.

10:09:52 4 MR. SCHOEN: Now you've got me with the

10:09:56 5 English. What does "ex-officio" mean?

10:09:57 6 OFFICIAL INTERPRETER AGHAZARIAN: "By my

10:09:59 7 function."

10:09:59 8 OFFICIAL INTERPRETER RABINOVITCH: "Within

10:10:01 9 the settings of my functions."

10:10:02 10 MR. SCHOEN: Okay. Albert happens to have

10:10:04 11 a much larger vocabulary than I do in English also,

10:10:10 12 I'm sorry to say.

10:10:11 13 OFFICIAL INTERPRETER AGHAZARIAN: This is

10:10:11 14 a Latin word.

10:10:15 15 MR. SCHOEN: Yeah, uh-oh, now you're being

10:10:15 16 mean, unnecessarily mean. But you're right again.

10:10:20 17 I don't know if I can turn redder than I am, though,

10:10:23 18 already.

10:10:24 19 All right. I just want to -- I think I can

10:10:24 20 move forward here.

10:10:25 21 Q. BY MR. SCHOEN: In preparation for your

10:10:45 22 testimony today -- in preparation for your testimony

10:10:54 23 today, did you review certain records in the Kalkilya

10:10:58 24 GIS office?

10:11:03 25 A. Today?

10:11:04 1 Q. No, in preparing to testify for today.

10:11:14 2 A. I know the dossiers from previously. I have

10:11:22 3 been exposed to it. I know them.

10:11:25 4 Q. All the dossiers from the Kalkilya office?

10:11:29 5 A. I am familiar with most of the dossiers.

10:11:32 6 Q. You grew up in Kalkilya?

10:11:35 7 A. Yes.

10:11:35 8 Q. You -- you've lived in Kalkilya all your life?

10:11:39 9 A. Yes.

10:11:40 10 Q. And you work in Kalkilya in intelligence?

10:11:45 11 A. Yes.

10:11:46 12 Q. Would it be fair to say you know something

10:11:49 13 about almost everyone who lives in Kalkilya?

10:11:59 14 A. I know some things, but of course, I don't

10:12:03 15 know everything on everybody.

10:12:07 16 Q. Sure.

10:12:09 17 When were you told that you would be testifying in this

10:12:13 18 case?

10:12:23 19 A. On Monday, I was informed that I'm needed

10:12:27 20 to -- to testify and that there were papers with the

10:12:32 21 lawyers.

10:12:33 22 Q. I see. So you reviewed papers that the

10:12:37 23 lawyers had?

10:12:42 24 A. Yes.

10:12:46 25 MR. SCHOEN: Mr. Hibey, I'm going to ask him

10:12:48 1 what the papers were.

10:12:50 2 Q. BY MR. SCHOEN: What papers that the lawyers

10:12:53 3 had did you review?

10:13:02 4 A. Papers that are related to Sadiq Ahed Abdul

10:13:04 5 Hafez and Ra'ed Nazzal.

10:13:15 6 Q. Did you review any papers -- other than

10:13:18 7 the papers the lawyers had, did you review any papers

10:13:25 8 related to those two people you just mentioned?

10:13:42 9 A. These are the only documents that -- that

10:13:48 10 I had available.

10:13:49 11 Q. Did you look in the archives in Kalkilya to

10:13:52 12 see if there were any documents related to either or

10:13:56 13 both of these two people?

10:14:07 14 A. Correct. I checked the files. And all the

10:14:12 15 information related to those two people, I have provided

10:14:16 16 them to the lawyers.

10:14:17 17 Q. I see. So you found their files and provided

10:14:21 18 them to the lawyers?

10:14:26 19 A. Correct. On Monday.

10:14:29 20 Q. Where did you find the files?

10:14:38 21 A. In the archives.

10:14:41 22 Q. In Kalkilya?

10:14:42 23 A. Yes.

10:14:43 24 Q. Were the files -- as far as you know, were

10:14:45 25 the files on these two people their complete files?

10:14:59 1 A. The information that was provided, or is it
10:15:01 2 the information which is within the archives?
10:15:05 3 Q. Oh. Do you believe that the files you took
10:15:07 4 from the archives and gave to the lawyers are the
10:15:16 5 complete files that were created by the GIS regarding
10:15:22 6 those two people?
10:15:27 7 A. Correct.
10:15:30 8 Q. By the way, are files kept there based on the
10:15:34 9 person's name or a particular event, like some suicide
10:15:46 10 bombing, or both?
10:15:58 11 A. We keep them by name. That's how we file
10:16:02 12 them. Even if there are things published in the papers
10:16:11 13 or other events that occur, we -- we incorporate them
10:16:16 14 in this file, which is set up by name.
10:16:19 15 Q. The file should reflect every relevant fact
10:16:23 16 or event that you know about for that person?
10:16:37 17 A. The events that we come to know about.
10:16:42 18 Q. Yes. From whatever source?
10:16:42 19 A. From a source.
10:16:43 20 Q. From any source?
10:16:46 21 A. Regardless of the source.
10:16:48 22 Q. Are there files kept on computer also?
10:16:56 23 A. Correct. We -- we feed -- there are dossiers
10:17:01 24 that we feed into the computer.
10:17:05 25 Q. Do you know whether any information about

10:17:08 1 these two people you mentioned are also in computer
10:17:11 2 files?

10:17:15 3 A. No. I have reviewed. All the information
10:17:19 4 is there.

10:17:21 5 Q. I'm asking: But are there computer files that
10:17:24 6 exist for these two people?

10:17:34 7 A. What we have in the computer are the resums
10:17:36 8 [sic], the summaries, of the different dossiers.

10:17:43 9 Q. Including the -- oh, including these two
10:17:47 10 people?

10:17:48 11 A. Yes.

10:17:48 12 Q. And you reviewed those computer files also?

10:17:56 13 A. Everything related to those two persons.

10:18:00 14 Q. Anywhere that you knew it would be kept,
10:18:02 15 including in the Ramallah office?

10:18:04 16 Did you check in the Ramallah office, see
10:18:07 17 if there's information about those two people?

10:18:19 18 A. Ramallah or otherwise, they get their --
10:18:23 19 they extract their information from the district.

10:18:27 20 Q. So if you reviewed the Kalkilya file, you
10:18:34 21 should have everything in the file of that person?

10:18:43 22 A. Correct.

10:18:44 23 Q. And anything you found in Ramallah or on the
10:18:47 24 computer would have already been in the Kalkilya file?

10:18:58 25 A. Correct.

10:18:59 1 Q. Now, if you want to investigate -- I'm sorry.

10:19:06 2 If you want to learn more about a suicide

10:19:09 3 bombing that happened sometime in the past and that

10:19:20 4 was investigated sometime in the past -- let me be --

10:19:29 5 I'll be more specific so I'm not just --

10:19:33 6 If today you wanted to investigate a suicide

10:19:39 7 bombing in Karnei Shomron in February of 2002 and you

10:19:51 8 didn't know the names of the bombers or the bombers'

10:19:56 9 handler or anyone involved, how would you go about

10:20:05 10 investigating or learning about what happened then,

10:20:08 11 if you didn't know the name of anyone whose file to

10:20:14 12 look at?

10:20:25 13 A. Of course, we are living in a time in the

10:20:31 14 street. And an operation of explosives, what have you,

10:20:36 15 everyone will know about. The news will spread quickly.

10:20:43 16 If you ask a little child in the street, he would know.

10:20:47 17 Q. He would know or would have heard who was

10:20:54 18 involved in the bombing?

10:20:58 19 A. Well, the word passes quickly.

10:21:02 20 Q. Yes.

10:21:07 21 On these two people you mentioned, Ra'ed

10:21:09 22 Nazzal -- did you know that name before you looked

10:21:21 23 at the file to prepare to testify here?

10:21:24 24 CHECK INTERPRETER HAZOU: Wait. You said

10:21:32 25 "the name" or "the names"?

10:21:36 1 MR. SCHOEN: "Name."

10:21:38 2 Q. BY MR. SCHOEN: Ra'ed Nazzal.

10:21:40 3 A. Did I know his name or know him personally?

10:21:47 4 Q. First, did you know the name before?

10:21:50 5 A. Yes.

10:21:50 6 Q. Ra'ed Nazzal was from Kalkilya; correct?

10:21:56 7 A. Yes.

10:21:56 8 Q. Ra'ed Nazzal was a well-known person in

10:22:00 9 Kalkilya; correct?

10:22:01 10 A. Correct.

10:22:02 11 Q. Ra'ed Nazzal was a leader of the PFLP in

10:22:09 12 Kalkilya; correct?

10:22:11 13 A. This was known, of course.

10:22:15 14 Q. And this person, Hafez, the -- Hafez?

10:22:22 15 A. Sadiq.

10:22:24 16 MR. SCHOEN: That's not an English word, so

10:22:28 17 I don't know what it means.

10:22:29 18 OFFICIAL INTERPRETER AGHAZARIAN: That's the

10:22:29 19 name. "Sadiq."

10:22:29 20 OFFICIAL INTERPRETER RABINOVITCH: That's a

10:22:29 21 name. It's a name.

10:22:30 22 OFFICIAL INTERPRETER AGHAZARIAN: You said

10:22:30 23 Hafez, no?

10:22:30 24 MR. SCHOEN: Oh. So what should I call him

10:22:30 25 to identify him?

10:22:30 1 OFFICIAL INTERPRETER AGHAZARIAN: "Sadiq."

10:22:30 2 MR. SCHOEN: That's his last name or first

10:22:30 3 name?

10:22:30 4 OFFICIAL INTERPRETER AGHAZARIAN: First name.

10:22:30 5 OFFICIAL INTERPRETER RABINOVITCH: Sadiq Hafez

10:22:30 6 is the name.

10:22:41 7 THE WITNESS: Sadiq Hafez.

10:22:43 8 MR. SCHOEN: Okay. If I refer to -- sorry.

10:22:45 9 If I refer to "Sadiq," we're talking about Hafez.

10:22:51 10 OFFICIAL INTERPRETER AGHAZARIAN: It means

10:22:51 11 literally "truthful."

10:22:54 12 MR. SCHOEN: The name, like -- right -- like

10:22:54 13 Tzadik or Tzadok, something like that.

10:22:59 14 OFFICIAL INTERPRETER AGHAZARIAN: The name,

10:22:59 15 "truthful."

10:22:55 16 MR. SCHOEN: Or Tzadok, something like that.

10:22:59 17 Okay.

10:23:03 18 Q. BY MR. SCHOEN: This person we spoke about

10:23:08 19 whose file you looked at, Sadiq Hafez, did you know

10:23:15 20 that name before you were called to testify today?

10:23:22 21 A. After the operation, I came to know his name.

10:23:27 22 Before that, he wasn't known to me.

10:23:30 23 Q. But your office investigated him, this Sadiq

10:23:34 24 Hafez, before the operation; right?

10:23:47 25 A. About him, not with him.

10:23:50 1 Q. You investigated about Sadiq Hafez before the
10:23:55 2 operation?
10:24:05 3 A. He was a student in the Vocational Qalandia
10:24:08 4 Training Center. And part of the mechanisms of the
10:24:18 5 modus operandi of the GIS, any student that moves from
10:24:24 6 a district to another, we gather information regarding
10:24:27 7 this person.
10:24:29 8 Q. Is that what he did, he moved from one
10:24:31 9 district to another?
10:24:35 10 A. He moved in order to study in the Qalandia
10:24:38 11 vocational school.
10:24:43 12 Q. In Kalkilya?
10:24:45 13 A. No. It's in Ramallah.
10:24:47 14 Q. I see. So he moved from Kalkilya to Ramallah
10:24:50 15 to study in that school?
10:24:51 16 A. In a vocational school. Yes.
10:24:54 17 Q. By the way, when we refer to "the operation,"
10:24:57 18 we're referring to the suicide bombing in February in
10:25:01 19 Karnei Shomron of 2002; right?
10:25:04 20 When you asked me -- I'm sorry.
10:25:11 21 To make it clear, you said before the
10:25:13 22 translated words "before the operation" or "after
10:25:15 23 the operation." We're referring to the suicide
10:25:20 24 bombing in Karnei Shomron?
10:25:33 25 A. Yes.

10:25:34 1 MR. SCHOEN: Okay. There's only a minute
10:25:36 2 or two left on the tape. We'll take a break. I don't
10:25:40 3 need much of a break. So you tell me what you'd like.
10:25:44 4 Again, estimates have not been reliable, but
10:25:47 5 I really think that we're going to finish up with him
10:25:50 6 within an hour, hour and a half, after we come back,
10:25:53 7 I think. I'm going to talk to my colleague.
10:25:57 8 MR. HIBEY: If you could let me know after
10:25:59 9 the break whether that estimate holds up --
10:26:03 10 MR. SCHOEN: Yes. Yes.
10:26:03 11 MR. HIBEY: -- and what your intentions are
10:26:06 12 with respect to Dr. Swailem, then that would be very
10:26:11 13 helpful, and we can get word back to him in Ramallah.
10:26:15 14 MR. SCHOEN: Yes, sir. Yes, sir.
10:26:16 15 THE VIDEOGRAPHER: Going off the record at
10:26:18 16 10:27.
10:26:19 17 (Recess from 10:27 a.m. to 10:42 a.m.)
10:41:13 18 THE VIDEOGRAPHER: Going back on the record
10:41:26 19 at 10:42.
10:41:30 20 MR. SCHOEN: Now, Mr. Hibey, you had asked
10:41:33 21 me whether I can make any kind of conclusion about
10:41:37 22 Dr. Swailem. First of all, can you just -- if you know,
10:41:39 23 can you just tell us who he is, what his job is, what
10:41:43 24 his --
10:41:44 25 MR. HIBEY: He's an academic.

10:41:47 1 MR. SCHOEN: He's an academic?

10:41:49 2 MR. HIBEY: He is a professor at --

10:41:52 3 MR. O'TOOLE: Al-Quds.

10:41:53 4 MR. HIBEY: Al-Quds.

10:41:55 5 MR. SCHOEN: He's an economist, I think;

10:41:56 6 right?

10:41:57 7 MR. HIBEY: I think not. I understood him

10:41:59 8 to be a political scientist. But I don't know if he

10:42:02 9 has other expertise.

10:42:04 10 MR. SCHOEN: I would tell you now, then, that

10:42:09 11 you could release Dr. Swailem and that we will not be

10:42:14 12 examining him.

10:42:16 13 Q. BY MR. SCHOEN: Reminds me, though, I wanted

10:42:20 14 to ask you, Mr. Dahbour: Are you familiar with another

10:42:24 15 Ibrahim Dahbour?

10:42:30 16 A. I saw recently on Facebook that there -- that

10:42:37 17 there are -- there is somebody else, at least one from

10:42:39 18 Jenin who carries the same name. One of them is a

10:42:48 19 representative in the PLC for Hamas, the Legislative

10:42:53 20 Council. He is from Arrabi.

10:42:55 21 Q. And his home was recently raided, and he was

10:42:58 22 suspected of certain crimes; right?

10:43:06 23 A. I don't know him because he is from Jenin.

10:43:08 24 But I have seen his name on Facebook.

10:43:12 25 Q. But he is Hamas and you're not Hamas; right?

10:43:18 1 A. No, I am not.

10:43:21 2 Q. He is actually a Hamas representative with

10:43:24 3 the -- in the PLO; correct?

10:43:27 4 OFFICIAL INTERPRETER RABINOVITCH: In the PNC

10:43:30 5 [sic], you mean?

10:43:31 6 MR. SCHOEN: Yes. PLC, the Palestine

10:43:36 7 Legislative Council.

10:43:38 8 THE WITNESS: Yes. In 2006, he was elected

10:43:41 9 for Hamas.

10:43:42 10 Q. BY MR. SCHOEN: Yeah. And he still is today,

10:43:44 11 he's still in it.

10:43:46 12 Anyway, not related to you? That's not you?

10:43:50 13 A. It's just a common name.

10:43:53 14 Q. That allows me to remove an entire file that

10:43:56 15 I had. That'll also help streamline things.

10:44:08 16 To go back to the process of keeping records

10:44:11 17 on your investigation, that's a regular way in which

10:44:19 18 you practice your business of intelligence gathering;

10:44:23 19 correct? You keep records?

10:44:35 20 MR. SCHOEN: These -- I'm sorry. Albert?

10:44:39 21 THE WITNESS: Correct. We do register it

10:44:41 22 in the dossier.

10:44:42 23 Q. BY MR. SCHOEN: These files, like the Sadiq

10:44:45 24 Hafez file and the Nazzal file you spoke about?

10:44:55 25 A. Ra'ed Nazzal, yes.

10:44:57 1 Q. And the person who creates that file, that's
10:45:00 2 that person's job to create such a file; correct?

10:45:08 3 A. No. It's not the same person that gathers
10:45:11 4 the dossiers.

10:45:13 5 Q. I see. So tell me how the dossier or the file
10:45:16 6 is gathered and then how it's kept.

10:45:30 7 A. The principal step is to get the information
10:45:34 8 from the field. And this is not gathered by one
10:45:38 9 officer. And sometimes they depend on clandestine
10:45:44 10 people, undercover people, to gather this information.

10:45:52 11 Once this information gets there, we gather
10:45:55 12 it, and we give it for the analysis department. The
10:46:04 13 analysis department exposes it to the director, and
10:46:11 14 he takes the decision what to do with it. Whether the
10:46:15 15 people will be under scrutiny, or they will be detained,
10:46:20 16 or they will cross off the file, I mean, he decides
10:46:25 17 what, what are the next steps.

10:46:28 18 Once it gets into the archives, it gets
10:46:33 19 a special registration number. When I want to refer
10:46:38 20 it, say "Ibrahim Dahbour," so it would feature on the
10:46:44 21 computer. They see what's the number of the given
10:46:50 22 Ibrahim Dahbour in this case, and they get the archives
10:46:54 23 based on the registry number.

10:46:57 24 Q. Who physically puts something into the file?
10:47:00 25 Does the agent or officer who did the

10:47:03 1 intelligence gathering put something into the file?

10:47:20 2 MR. SCHOEN: Not the computer. I didn't say

10:47:23 3 "computer."

10:47:23 4 OFFICIAL INTERPRETER RABINOVITCH: In the

10:47:25 5 file. You said "in the file."

10:47:28 6 THE WITNESS: The question is not clear.

10:47:31 7 Q. BY MR. SCHOEN: Okay. Sorry.

10:47:31 8 The person who gathers the intelligence --

10:47:34 9 let's say you're doing an investigation. You gather

10:47:43 10 information and you make a report, either you took

10:47:50 11 notes during the investigation or -- I mean, during

10:47:56 12 the interrogation, as you described it, or any other

10:48:05 13 notes that you took about this investigation. You

10:48:12 14 would take those notes and put those notes in the file

10:48:18 15 created for that person?

10:48:23 16 A. In the paper dossier which is in the archives,

10:48:31 17 you mean?

10:48:32 18 Q. Yes.

10:48:32 19 A. All the information.

10:48:34 20 Q. Yes. That's how it would -- that's the

10:48:35 21 regular practice in the General Intelligence Services?

10:48:44 22 A. This is the way we operate since a while.

10:48:51 23 Q. Since 1995?

10:48:54 24 A. There has been a development in how, you know,

10:48:57 25 we arrange the dossier and to make a proper summary,

10:49:02 1 resum [sic], and to have a memo of analysis of the
10:49:08 2 situation. But, in general, this is our modus operandi.
10:49:18 3 Q. And the investigating officer, or whoever puts
10:49:22 4 something in that file -- puts something into the file,
10:49:29 5 he does so at around the time that he's gathered the
10:49:35 6 information?
10:49:52 7 A. Clarify, because there are -- there is a
10:49:55 8 distinction between interrogation, on the one hand,
10:50:00 9 and the information gathering from the field, on the
10:50:02 10 other, before the interrogation. These are two separate
10:50:06 11 areas.
10:50:06 12 Q. All right. When a person gathers information
10:50:09 13 from the field, he makes notes about the information he
10:50:15 14 gathered shortly after he got the information, so he
10:50:21 15 remembers it well?
10:50:29 16 (Comment in Arabic by the witness.)
10:50:29 17 MR. SCHOEN: You have to answer, Albert.
10:50:29 18 OFFICIAL INTERPRETER AGHAZARIAN: "Yes."
10:50:29 19 Q. BY MR. SCHOEN: And around that same time,
10:50:34 20 that information gets put into the file?
10:50:47 21 A. So the officer gets the information and feeds
10:50:50 22 it into the dossier? That's what you mean?
10:50:53 23 Q. Yeah. Puts his notes or whatever information
10:50:57 24 he has into the file.
10:50:59 25 A. No. He brings it to the operations

10:51:01 1 department. That's where they deal -- they analyze
10:51:05 2 the information before attaching it to the dossier.
10:51:09 3 And if there is a measure which is taken, a procedure,
10:51:13 4 then it happens before it is fed into the archive.
10:51:17 5 The putting -- attaching it to the archive is the
10:51:23 6 final phase in the operation.

10:51:25 7 Q. Okay. And is that done soon after the
10:51:29 8 supervisor has reviewed the information and decided
10:51:33 9 it should be put into the file?

10:51:42 10 A. No. In the -- in the dossier, you have all
10:51:46 11 the relevant information.

10:51:48 12 Q. Yes. I'm just trying to find out how the
10:51:52 13 documents get into the file and when.

10:51:59 14 A. After we get the information coming from the
10:52:03 15 field --

10:52:05 16 Q. Or an interrogation?

10:52:07 17 A. -- or interrogation, it would be presented
10:52:13 18 to the operations department. They check the type of
10:52:23 19 this information.

10:52:27 20 For instance, if there is any important
10:52:30 21 information, it is presented in front of the director.
10:52:34 22 And then this head, he decides what measures should
10:52:41 23 be taken as a follow-up. Once they finish all the
10:52:46 24 procedures, they put it in the archive.

10:52:56 25 It's possible that, after you put the

10:52:59 1 information in the archives, two days later, a new
10:53:03 2 information might come in.

10:53:06 3 Q. Okay.

10:53:07 4 A. If this information requires a follow-up
10:53:12 5 procedure, depending on the importance of the person
10:53:18 6 and the importance of the dossier, once again, you
10:53:23 7 have -- a new procedure might be taken.

10:53:28 8 But if it is a regular -- you know, a
10:53:31 9 non-news kind of information that the guy is --

10:53:36 10 "I saw him walking in the street with so-and-so,"
10:53:45 11 then we put it in the dossier but without taking
10:53:49 12 measures.

10:53:50 13 But all information, regardless how important
10:53:53 14 or less important, they are all included in the dossier.

10:53:59 15 Q. Okay. And the dossier -- you're using
10:54:00 16 the term "file" or "dossier" sometimes and sometimes
10:54:03 17 "archives."

10:54:04 18 I'm really concerned about the file. And
10:54:06 19 the archives, as I understand it, is where the file
10:54:10 20 is kept. I don't know if it's a question about the
10:54:28 21 word being used --

10:54:30 22 OFFICIAL INTERPRETER AGHAZARIAN: The dossier
10:54:30 23 is not the archive. The dossier is the file.

10:54:34 24 MR. SCHOEN: Okay.

10:54:35 25 OFFICIAL INTERPRETER AGHAZARIAN: But it is

10:54:35 1 a nicer word. It's a French word.

10:54:39 2 MR. SCHOEN: Okay. That's it.

10:54:39 3 OFFICIAL INTERPRETER AGHAZARIAN: They go
10:54:39 4 together.

10:54:42 5 (Brief exchange in Arabic among Official
10:54:42 6 Interpreter Aghazarian, Official Interpreter
10:54:42 7 Rabinovitch, and the witness.)

10:54:42 8 Q. BY MR. SCHOEN: My -- what I'm trying to learn
10:54:44 9 here is how all of the documents from an investigation
10:54:48 10 get into the file, not the archives now.

10:55:00 11 A. One dossier?

10:55:01 12 Q. The paper file. How --

10:55:04 13 A. According to the best of my knowledge, what
10:55:09 14 I have under my hands -- there are people who have very
10:55:16 15 tiny files. There are people who have books, loads of
10:55:22 16 information. (Indicating.) It depends.

10:55:24 17 Q. Yeah. I'm really just talking -- I'm asking
10:55:27 18 about a procedure, maybe.

10:55:30 19 Is it the regular procedure of the GIS during
10:55:40 20 the time period 19 -- the time period 2000 till now
10:55:50 21 that, if information is learned by a GIS officer about
10:55:56 22 a person, that person, the GIS officer or the person who
10:56:10 23 gathered the information or conducted the interrogation,
10:56:20 24 first takes notes?

10:56:28 25 A. Correct.

10:56:29 1 Q. And then those notes are given to a supervisor
10:56:35 2 in operations?

10:56:39 3 A. Yes. Correct.

10:56:40 4 Q. And that person in operations decides whether
10:56:45 5 additional action should be taken in the case or that
10:56:56 6 no action needs to be taken?

10:57:08 7 A. The head of the operations studies where we
10:57:12 8 have reached in the case.

10:57:17 9 Let's assume that it's expected to have an
10:57:22 10 operation. The head of the operations has a report
10:57:28 11 accordingly. Immediately he goes to the computer
10:57:35 12 and the archives, and he derives the information, the
10:57:42 13 relevant papers. He makes a resum [sic], a summary for
10:57:46 14 the boss. He tells him that this person, we expect that
10:57:54 15 he will be engaged in a certain operation. According to
10:57:59 16 the available dossier, we estimate that this is likely.
10:58:09 17 So he dispatches it to the boss.

10:58:16 18 So the director has the resum [sic], the
10:58:21 19 summary, on the face of the file. So he knows that
10:58:29 20 the head of the operations has scrutinized and checked
10:58:33 21 the file and based his conclusions accordingly.

10:58:39 22 So the director takes the measures based
10:58:43 23 on the information available in his hands. He might
10:58:52 24 suffice with the summary appearing in -- on the top
10:58:56 25 and take immediate measure accordingly. And maybe he

10:59:03 1 might feel that there is something fishy or unclear,
10:59:06 2 so he goes in and checks the entire file, all the
10:59:12 3 papers and information available in the -- in the
10:59:15 4 dossier.

10:59:16 5 Q. Okay. And all of the papers -- notes or
10:59:23 6 papers of any kind that were generated or created or
10:59:31 7 reviewed during the course of that process you just
10:59:36 8 described, all are put in the file for that person?

10:59:47 9 A. Correct.

10:59:48 10 Q. As you say, sometimes it's a small file,
10:59:51 11 sometimes it's a big file?

10:59:56 12 A. It depends on the level of activity of the
11:00:00 13 given person.

11:00:01 14 Q. And who puts all of those papers in the file?

11:00:14 15 A. The person that actually, you know, puts it
11:00:17 16 in the thing or --

11:00:20 17 Q. Yes.

11:00:21 18 A. -- or how the file is built up?

11:00:24 19 Q. First, who actually puts it in the file.

11:00:29 20 A. The person in charge of the archives, after
11:00:32 21 it comes from the operations department. And this is
11:00:36 22 the final measure.

11:00:38 23 Q. And that's a regular part of that person's
11:00:41 24 job in the GIS?

11:00:47 25 A. Yes. This is the job.

11:00:50 1 Q. And that person does that -- at the time the
11:00:53 2 file becomes complete, that person puts it in the file,
11:00:58 3 and then the file into the archives?

11:01:08 4 A. He arranges it in finally within the file,
11:01:11 5 and he gives it a number. And he preserves the number,
11:01:21 6 the given number on the computer, because if somebody
11:01:26 7 needs to request it.

11:01:31 8 So say Ibrahim Dahbour, his number is 440,
11:01:36 9 so -- so he's in the computerized list. Ibrahim Dahbour
11:01:40 10 appears with the number 440 in this case. So there
11:01:47 11 is -- there is no name on my file. It's a number. So
11:01:53 12 I know from the number that this is from the computer,
11:01:56 13 Ibrahim Dahbour, and I check it out.

11:02:00 14 Q. And that file that has been created and is
11:02:04 15 now in the archives, that's what you, as an intelligence
11:02:10 16 officer, would pull to review, to learn about everything
11:02:12 17 you could learn about that person?

11:02:27 18 A. This file is the main indicator of where we
11:02:31 19 are heading.

11:02:33 20 Let's assume, to use myself as an example,
11:02:39 21 they say we want the dossier of Ibrahim Dahbour. His
11:02:46 22 number is 440, so they get it out from the archives.
11:02:51 23 And we found that the last information incoming on
11:02:56 24 Ibrahim Dahbour is in 2010. So here the officers
11:03:02 25 are requested to update the information. What did

11:03:07 1 he do between 2010 and 2012? Where was he? What
11:03:13 2 were his activities and movements?

11:03:16 3 So the information is updated.

11:03:18 4 Q. And if you want to learn about Ibrahim
11:03:20 5 Dahbour in that situation you gave because you were
11:03:30 6 investigating Ibrahim Dahbour, for starters, you would
11:03:37 7 rely on what's in that file?

11:03:42 8 A. Correct.

11:03:43 9 Q. Okay. In this matter, the file of
11:03:47 10 Mr. Hafez --

11:03:50 11 MR. SCHOEN: The first name is Tzadok?

11:03:53 12 OFFICIAL INTERPRETER AGHAZARIAN: Sadiq Hafez.

11:03:58 13 Q. BY MR. SCHOEN: -- Sadiq Hafez, you reviewed
11:03:59 14 that file and produced some documents from that file
11:04:02 15 to defense counsel; correct?

11:04:14 16 A. Correct.

11:04:15 17 Q. Do you remember how big that file was, how
11:04:17 18 many documents were in it?

11:04:26 19 A. I don't remember exactly. But the dossier
11:04:29 20 is not big.

11:04:31 21 Q. Maybe ten documents in it?

11:04:39 22 A. I do not want to speculate.

11:04:41 23 Q. Good. Thank you.

11:04:43 24 And the file on Mr. Nazzal, is that a small
11:04:47 25 file, big file, Ra'ed Nazzal?

11:04:51 1 A. Ra'ed's file is much bigger. He has much more
11:05:00 2 activities.

11:05:01 3 Q. Any idea how big his file is that you found?

11:05:10 4 A. I don't have the number of papers. But it's
11:05:16 5 a relatively thicker kind of dossier. (Indicating.)

11:05:21 6 MR. SCHOEN: The witness is indicating with
11:05:23 7 his fingers. What would we agree on as the size of
11:05:27 8 that? Is that an inch and a half?

11:05:30 9 OFFICIAL INTERPRETER AGHAZARIAN: It's more
11:05:30 10 than that.

11:05:31 11 MR. SCHOEN: Two inches?

11:05:32 12 OFFICIAL INTERPRETER AGHAZARIAN: Two to three
11:05:32 13 inches.

11:05:33 14 MR. SCHOEN: You willing to go with that one
11:05:34 15 as an estimate?

11:05:35 16 MR. HIBEY: No.

11:05:36 17 MR. SCHOEN: No? Okay.

11:05:36 18 Q. BY MR. SCHOEN: How many centimeters thick
11:05:39 19 would you say the file is?

11:05:42 20 A. I did not measure it.

11:05:44 21 Q. About, if you were to give an estimate?

11:05:58 22 A. Three and a half to four centimeters.

11:05:59 23 Q. Okay.

11:06:01 24 A. More or less.

11:06:03 25 Q. Okay. And you believe you reviewed his entire

11:06:07 1 file with the GIS?

11:06:14 2 A. From paper to paper, yes, correct.

11:06:17 3 Q. Ra'ed Nazzal was the head of the Ali Abu

11:06:20 4 Mustafa Brigade for the PFLP in Kalkilya; correct?

11:06:36 5 A. This is not a secret.

11:06:38 6 Q. It was well-known?

11:06:45 7 A. He was released from Israeli prisons in

11:06:49 8 September in 1999. And this was the main -- this is

11:06:57 9 a well-known information.

11:06:59 10 Q. That he was PFLP and head of Ali Abu Mustafa

11:07:01 11 Brigade?

11:07:06 12 A. Yes. Correct.

11:07:08 13 Q. And that's one reason his file would be a

11:07:11 14 bigger file; correct?

11:07:16 15 A. As I told you, it depends from person to

11:07:19 16 person.

11:07:20 17 Q. But in his case, that's one of the reasons,

11:07:24 18 because of his PFLP activities, his file was so thick?

11:07:33 19 A. Right.

11:07:34 20 Q. Now, you're aware that the PFLP had an office

11:07:37 21 in Kalkilya; correct?

11:07:43 22 A. Right.

11:07:43 23 Q. They had an office in Kalkilya in the 1990s

11:07:47 24 through today; correct?

11:07:51 25 A. Ra'ed Nazzal?

11:07:56 1 Q. The PFLP had an office in Kalkilya?

11:08:00 2 A. Yes.

11:08:00 3 Q. Okay. And Ra'ed Nazzal worked in that PFLP

11:08:05 4 office in Kalkilya; correct?

11:08:08 5 A. No.

11:08:09 6 Q. Where did Ra'ed Nazzal work? Do you know?

11:08:14 7 A. Ra'ed Nazzal -- after being released from

11:08:20 8 the Israeli prison, most of the people who had military

11:08:29 9 activity were absorbed, recruited by the PA, in order

11:08:35 10 to distance them from armed activity. And Ra'ed Nazzal

11:08:41 11 was one of the people who were recruited for the

11:08:48 12 national security organ, apparatus.

11:08:52 13 I have no idea how many years he served in

11:08:55 14 this capacity. But, currently, according to the best

11:09:02 15 of my knowledge, he doesn't get any salary or allowances

11:09:08 16 now.

11:09:09 17 Q. When you say "now," you mean at that time?

11:09:20 18 A. About Ra'ed, I'm not exactly sure. But the

11:09:27 19 information I have, that he was murdered in 2002 --

11:09:32 20 Q. When you say about Ra'ed you're not sure --

11:09:35 21 A. -- in April.

11:09:36 22 Q. -- you mean you're not sure whether he

11:09:38 23 was paid money, how much money he was paid by the

11:09:42 24 government; correct?

11:09:45 25 A. Correct.

11:09:46 1 Q. All right. Was there only one PFLP office
11:10:02 2 in Kalkilya?

11:10:05 3 A. Yes.

11:10:05 4 Q. Where was it?

11:10:10 5 A. On the main road leading to Jaljouleh, that
11:10:15 6 has been since then shut down, this road.

11:10:18 7 Q. The road has been shut down?

11:10:23 8 A. It has been closed. Because they just kept
11:10:27 9 one crossing point into Israel. At first there was
11:10:34 10 through Taibeh and Jaljouleh and Kfar Saba. So when
11:10:45 11 the Intifada erupted in 2000, they broke the -- these
11:10:53 12 roads, all of them. They just kept Kafr Kassem --
11:10:57 13 sorry. They just kept the road that goes through
11:11:00 14 Kafr Kassem. They call it Tzomet area.

11:11:13 15 Q. But as far as you know from the period, let's
11:11:15 16 just say 1998 through 2002, there was just one PFLP
11:11:25 17 office in Kalkilya operating?

11:11:31 18 A. Yes.

11:11:32 19 Q. Okay. And do you know whether the PFLP owned
11:11:36 20 or operated other buildings in Kalkilya?

11:11:52 21 A. To the best of my knowledge, no.

11:11:56 22 Q. Do you know who was working in the PFLP office
11:11:59 23 in Kalkilya, let's say between the years 1998 and 2002?

11:12:19 24 A. Margaret and Manala Rai, these are two women.
11:12:31 25 Margaret Rai and Manala Rai. Shaher, after he was

11:12:33 1 released by the PA, he came to this office. He was
11:12:42 2 wanted by the Israelis, and he left the office because
11:12:49 3 he was wanted by the Israelis. Only these two women
11:12:54 4 stayed.

11:12:55 5 Q. When you say Shaher, you mean Shaher Al-Rai?

11:13:02 6 A. Shaher Rai, yes.

11:13:05 7 Q. You mentioned the name Yusef.

11:13:07 8 That's also Yusef Al-Rai?

11:13:11 9 A. His brother.

11:13:13 10 Q. Yes. That's who you were referring to?

11:13:16 11 A. Yes.

11:13:18 12 Q. Shaher and Yusef Al-Rai also were PFLP; right?

11:13:33 13 A. This is very well-known. Correct.

11:13:35 14 Q. And the two women who worked in the office you
11:13:39 15 mentioned, they're also PFLP?

11:13:46 16 A. Logically, of course, yes.

11:13:48 17 Q. Do you know who their husbands were?

11:14:00 18 A. One is married to Yusef, and the other
11:14:04 19 is married to Shaher. But I don't know whether it's
11:14:08 20 Margaret or Manala, which. But they were both married
11:14:12 21 to the -- Yusef and Shaher.

11:14:15 22 Q. And do you know that the building that was
11:14:18 23 used for the PFLP office was owned by a Mr. Zaid?

11:14:22 24 MR. SCHOEN: I didn't say "Yusef." "Mister,"
11:14:22 25 Mr. Zaid.

11:14:29 1 (Pending question re-translated.)

11:14:30 2 THE WITNESS: Is it in 2002, if I knew this,

11:14:35 3 or now, currently?

11:14:38 4 Q. BY MR. SCHOEN: I'm asking you now if you

11:14:38 5 know.

11:14:42 6 A. Now, yes.

11:14:43 7 Q. And did you know that in 2000 and 2002?

11:14:46 8 A. No. In 2002, I didn't.

11:14:48 9 Q. But during those periods, 1998 to 2002, you

11:14:51 10 knew that these people who we've mentioned, Shaher,

11:14:56 11 Yusef, the two women, Nazzal, were all PFLP?

11:15:11 12 A. Of course.

11:15:23 13 Q. If you recall, when is it -- around what

11:15:26 14 year did Shaher and Yusef Al-Rai leave Kalkilya?

11:15:32 15 You mentioned they left Kalkilya. Around

11:15:34 16 what year did they leave?

11:15:41 17 A. No, I don't recall. Exactly which year,

11:15:46 18 I don't recall.

11:15:47 19 Q. If you wanted to find out -- strike that.

11:15:50 20 Strike that.

11:15:51 21 Shaher and Yusef Al-Rai were put in jail

11:15:57 22 at some point in Jericho; correct?

11:16:03 23 A. In the GIS prison, yes.

11:16:10 24 Q. Jericho, that's the -- Jericho?

11:16:12 25 A. Correct.

11:16:13 1 Q. Do you know how long they were kept in that
11:16:16 2 prison?
11:16:21 3 A. Not exactly, but I believe almost seven years.
11:16:25 4 Q. And do you know when they were released from
11:16:28 5 that prison?
11:16:32 6 A. 2001. 2001.
11:16:38 7 Q. How do you know it was 2001?
11:16:42 8 A. From the dossier.
11:16:44 9 Q. There is a dossier for Shaher Al-Rai?
11:16:49 10 A. Yes.
11:16:52 11 Q. And for Yusef Al-Rai?
11:16:53 12 A. Yes.
11:16:57 13 Q. And are those dossiers kept in the Kalkilya
11:17:01 14 GIS office?
11:17:04 15 A. Yes.
11:17:04 16 Q. Have you reviewed those dossiers?
11:17:07 17 A. Yes.
11:17:08 18 Q. When did you review them?
11:17:16 19 A. Yesterday, Tuesday.
11:17:18 20 Q. I see. You found those files there Tuesday
11:17:21 21 and --
11:17:25 22 A. I know that they have dossiers, but I have
11:17:26 23 scrutinized them yesterday.
11:17:27 24 Q. That you found them in the -- in the regular
11:17:36 25 archives?

11:17:37 1 A. Yes.

11:17:42 2 Q. Would you characterize the file on Shaher

11:17:45 3 Al-Rai as a large one also?

11:17:52 4 A. Yes.

11:17:53 5 Q. Larger than Nazzal or smaller than Nazzal?

11:17:57 6 A. Thicker than Nazzal. Because there was

11:18:01 7 interrogation and there was more follow-up, so it's

11:18:02 8 a bigger file. And there were confessions on him.

11:18:09 9 And then his family protested, and there was a lot

11:18:14 10 of headaches. So the file is bigger.

11:18:18 11 Because the person that made a confession

11:18:22 12 with the Israelis on him, he withdrew his confession.

11:18:30 13 And after the person that confessed left the Israeli

11:18:36 14 prison, while they remained -- you know, the man in

11:18:40 15 Israel was released, but they remained in the PA prison.

11:18:45 16 Q. The two Al-Rais --

11:18:46 17 (Comment in Arabic by the witness.)

11:18:47 18 Q. BY MR. SCHOEN: Sorry. The two Al-Rais

11:18:47 19 remained in the Jericho prison?

11:18:51 20 A. Yes.

11:18:52 21 Q. Do you know Muhammad Nazzal?

11:19:02 22 A. There are so many Muhammads.

11:19:06 23 Q. In Kalkilya, there are many?

11:19:09 24 A. Muhammad, Ahmed, Mahmoud. That's a very

11:19:16 25 common name.

11:19:33 1 Q. I hope I can get a more full name so I can
11:19:39 2 ask you a better question about Muhammad Nazzal. Okay.
11:19:42 3 A. If you tell me what he is working, and so
11:19:49 4 maybe that will be -- that would help to know which
11:19:53 5 Muhammad you mean.
11:19:56 6 Q. I'll try to give as much information as I can.
11:20:16 7 I want to ask you if you recognize these
11:20:20 8 names, and if you do, tell me what you know about these
11:20:28 9 people.
11:20:29 10 Maher Al-Rai?
11:20:32 11 A. Popular Front.
11:20:40 12 Q. Is Popular Front -- a PFLP person, member?
11:20:45 13 A. Yes.
11:20:46 14 Q. Who lives in Kalkilya?
11:20:48 15 A. Yes.
11:20:49 16 Q. Is there a GIS file on him?
11:20:55 17 A. Yes.
11:20:58 18 Q. Ahmed Al-Rai?
11:20:58 19 A. There are two Ahmeds. Specify which you are
11:21:05 20 referring to.
11:21:05 21 Q. You --
11:21:05 22 A. If you mean the guy who belongs to the PFLP,
11:21:15 23 yes. He is married to the sister -- he is married to
11:21:21 24 the sister of Ra'ed, if that's the one you refer to.
11:21:27 25 Q. She is an in-law to Al-Rai?

11:21:31 1 A. Yes.

11:21:32 2 Q. Is there a file on that person?

11:21:37 3 A. PFLP, yes.

11:21:38 4 Q. The GIS has a file on that person?

11:21:41 5 A. Yes.

11:21:45 6 Q. Nuradin Adnan Sa'id Daoud, also known as

11:21:53 7 Teetan?

11:21:55 8 A. Yes.

11:21:59 9 Q. PFLP?

11:22:00 10 A. Yes. He was imprisoned by the Israelis, you

11:22:06 11 know, of course.

11:22:08 12 Q. He lives in Kalkilya?

11:22:09 13 A. Yes.

11:22:10 14 Q. All of these people I've mentioned live in

11:22:12 15 Kalkilya; correct?

11:22:14 16 A. All of them, yes.

11:22:16 17 Q. Is there a file, GIS file, on Teetan thus far?

11:22:18 18 A. Yes.

11:22:22 19 Q. Large file?

11:22:25 20 A. I don't recall. But everybody engaged in

11:22:28 21 political activity has a file.

11:22:31 22 Q. Muhammad Jabber?

11:22:31 23 OFFICIAL INTERPRETER AGHAZARIAN: "Jabber."

11:22:33 24 OFFICIAL INTERPRETER RABINOVITCH: "Jabber"

11:22:33 25 or "Jaber"?

11:22:33 1 MR. SCHOEN: "Jabber."

11:22:33 2 OFFICIAL INTERPRETER AGHAZARIAN: "Muhammad

11:22:33 3 Jabber."

11:22:33 4 THE WITNESS: I don't know him.

11:22:42 5 Q. BY MR. SCHOEN: Taqsin El-Adel?

11:22:48 6 A. Taqsin El-Adel. "Improving justice," that's

11:22:56 7 what the word means.

11:22:58 8 Q. Oh. Do you know that person?

11:23:01 9 A. He is imprisoned by the Israelis. PFLP.

11:23:03 10 He is incarcerated.

11:23:05 11 Q. Is there a file on him, GIS file?

11:23:08 12 A. Yes.

11:23:09 13 Q. Shaher A'amar?

11:23:09 14 OFFICIAL INTERPRETER AGHAZARIAN: Al-Amar?

11:23:10 15 MR. SCHOEN: A'amar.

11:23:10 16 (Brief exchange in Arabic among Official

11:23:10 17 Interpreter Rabinovitch, Official Interpreter

11:23:10 18 Aghazarian, Check Interpreter Hazou, and

11:23:10 19 Mr. Spitzner.)

11:23:10 20 OFFICIAL INTERPRETER RABINOVITCH: Amer?

11:23:10 21 THE WITNESS: I don't know him.

11:23:26 22 Q. BY MR. SCHOEN: Doesn't ring a bell?

11:23:37 23 A. I don't recall him.

11:23:41 24 Q. Anis Shanti?

11:23:46 25 A. Anis Douri?

11:23:51 1 Q. Shanti.

11:23:54 2 A. Shanti?

11:23:54 3 Anis Douri is known to be PFLP.

11:24:00 4 MR. SCHOEN: "Is known to be"?

11:24:00 5 OFFICIAL INTERPRETER AGHAZARIAN: "A PFLP

11:24:00 6 member."

11:24:00 7 Q. BY MR. SCHOEN: Also in Kalkilya?

11:24:00 8 CHECK INTERPRETER HAZOU: But he said:

11:24:02 9 "Shanti, no."

11:24:05 10 Q. BY MR. SCHOEN: Shanti, no?

11:24:05 11 A. Shanti, no.

11:24:05 12 Q. And is there a GIS file on this Anis Douri,

11:24:11 13 PFLP guy?

11:24:12 14 A. Yes. Douri, not Shanti.

11:24:12 15 Q. Douri, yeah, yeah.

11:24:12 16 And Ahmed Awani? Awani.

11:24:14 17 A. I don't know. I mean, the names don't --

11:24:30 18 Q. (Not translated.) Not a familiar name? At

11:24:33 19 least the way I'm pronouncing it, it's not a familiar

11:24:37 20 name?

11:24:37 21 MR. SCHOEN: You have to translate it.

11:24:37 22 (Pending question translated.)

11:24:37 23 THE WITNESS: (Witness shakes head in the

11:24:37 24 negative.)

11:24:37 25 OFFICIAL INTERPRETER AGHAZARIAN: Sorry.

11:24:44 1 MR. SCHOEN: My -- since I don't read the
11:24:48 2 language --

11:24:51 3 MR. HALLER: Muhammad Nazzal that we're
11:24:54 4 referring to, one of them is Muhammad Wasif Abdel
11:24:55 5 Rahman Nazzal.

11:24:55 6 (Simultaneous colloquy among Official
11:24:55 7 Interpreter Aghazarian, Official Interpreter
11:24:55 8 Rabinovitch, Check Interpreter Hazou, and
11:24:55 9 Mr. Haller.)

11:24:55 10 THE COURT REPORTER: I'm sorry. Are you
11:24:55 11 speaking for the record? Because I didn't hear what
11:24:55 12 you said.

11:24:55 13 MR. HIBEY: Would you take some control of
11:24:55 14 this? Could you take some control of this?

11:24:55 15 MR. SCHOEN: Yes.

11:24:55 16 MR. HIBEY: Because this is --

11:24:55 17 (Simultaneous colloquy among Mr. Haller,
11:24:55 18 Mr. Leitner, Official Interpreter Rabinovitch,
11:24:55 19 and Check Interpreter Hazou.)

11:25:26 20 MR. SCHOEN: Stop. Stop, please. Stop. We
11:25:26 21 can't have other people speaking into the record. She's
11:25:30 22 trying to keep a record, so only I can speak. But if --
11:25:31 23 I know the problem is an innocent one because I can't
11:25:35 24 pronounce the words. I appreciate the help, but we
11:25:38 25 won't have a clean record if anyone else speaks.

11:25:41 1 So if you want to tell me a name, I'm happy
11:25:43 2 to transmit that name or any other word. Feel free to
11:25:47 3 tell me, please. Thank you.

11:25:49 4 Q. BY MR. SCHOEN: This name that you were given
11:25:58 5 for this Nazzal, Muhammad or Mahmoud Nazzal, the name
11:26:03 6 that was just given.

11:26:04 7 A. Muhammad Mahmoud Nazzal?

11:26:04 8 Q. Yes.

11:26:08 9 A. He is the owner of the office that he rented
11:26:11 10 to the PFLP. He owns the office, Muhammad Mahmoud
11:26:17 11 Nazzal.

11:26:21 12 Q. Or he is in the family of the -- you know that
11:26:23 13 Mr. Zaid owns the office?

11:26:33 14 A. Yes. Muhammad Mahmoud Zaid.

11:27:03 15 Q. Yes. Okay.

11:27:04 16 Do you recognize this name: Muhammad Wahid
11:27:06 17 Abdel Rahman Nazzal?

11:27:12 18 A. No. I don't know who it is.

11:27:15 19 Q. Okay.

11:27:16 20 A. No.

11:27:19 21 Q. I'd like to show you some documents.

11:27:24 22 MR. SCHOEN: Mr. Hibey, I'm going to show him
11:27:28 23 the documents that we were provided on September 10th
11:27:40 24 by the defense --

25 //

11:27:41 1 (Comment in Arabic by Check Interpreter
11:27:41 2 Hazou.)
11:27:41 3 OFFICIAL INTERPRETER RABINOVITCH: "September
11:27:41 4 10th."
11:27:57 5 MR. SCHOEN: -- by e-mail. And I represent
11:28:00 6 to you that, in his e-mail to me, Mr. McAleer wrote
11:28:05 7 that documents Bates stamped 51 to 54 would be documents
11:28:16 8 about which Mr. Dahbour would have information and that
11:28:25 9 could be shown to him during the examination, if you
11:28:29 10 want.
11:28:33 11 Without going into detail, I would just
11:28:38 12 reiterate what I said yesterday. I had not been able --
11:28:39 13 I don't know what these documents say because I can't
11:28:39 14 read Arabic. I haven't had a chance to have them review
11:28:52 15 the documents and tell me in detail. Mr. Haller doesn't
11:28:56 16 have sufficient -- I understand Mr. Haller does not have
11:28:57 17 sufficient Arabic background to read them.
11:29:01 18 MR. HIBEY: That's -- look. Finish your
11:29:03 19 statement. Thank you.
11:29:05 20 MR. SCHOEN: I don't really have anything
11:29:06 21 more to say. I'm just telling you: I don't know what
11:29:07 22 the documents say when I show them to the witness.
11:29:07 23 MR. HIBEY: You clearly have the capability
11:29:12 24 on your side to do that. I myself have heard Mr. Haller
11:29:17 25 talk about the grammar and syntax of Arabic. He

11:29:20 1 certainly can read it. He understands it. He has
11:29:24 2 demonstrated that to me on occasion over the five-plus
11:29:29 3 years we've been engaged in litigation.

11:29:31 4 Obviously, the gentleman next to him, who
11:29:34 5 is here as a consulting expert, speaks with a dialect
11:29:38 6 in Arabic that suggests to me that it isn't just picked
11:29:42 7 up in the first 20 lessons of primary Arabic. I think
11:29:48 8 we have to be -- we have to be clear about this.

11:29:50 9 With respect to your own facility, I accept
11:29:54 10 any representation you make about your own abilities
11:29:58 11 in whatever language is being advanced in the course
11:30:04 12 of review of documents and things like that. But
11:30:08 13 please understand that we have a serious disagreement
11:30:15 14 about your immediate capability to translate the
11:30:19 15 materials that you did receive.

11:30:22 16 Now, I presume also that there are no
11:30:26 17 translations that are going to be offered to us in
11:30:30 18 English of these materials.

11:30:33 19 MR. SCHOEN: The materials that you provided
11:30:34 20 to us in Arabic?

11:30:37 21 MR. HIBEY: Correct.

11:30:39 22 MR. SCHOEN: Correct.

11:30:39 23 MR. HIBEY: All right. We will object to
11:30:40 24 the use -- in the absence of a document that's going
11:30:44 25 to be used in this deposition, because they have to be

11:30:46 1 translated by you for us -- in the use of the materials
11:30:52 2 in the deposition that you're convening.
11:30:56 3 With that said, I think we can go forward.
11:31:01 4 MR. SCHOEN: Let me be clear. We have no
11:31:03 5 English translations of the documents that you provided
11:31:06 6 to us in Arabic. And further, Mr. McAleer represented
11:31:09 7 to me that you have no English translations --
11:31:15 8 MR. HIBEY: That is correct.
11:31:15 9 MR. SCHOEN: -- of those documents.
11:31:15 10 MR. HIBEY: We got them that quickly, as
11:31:18 11 it's already been testified to, and turned them over
11:31:20 12 to you. So we have not had the opportunity to get any
11:31:24 13 translation. And as you well know, our time has been
11:31:28 14 occupied by the work that has brought us together this
11:31:32 15 past week.
11:31:33 16 MR. SCHOEN: In fairness, Mr. Hibey, that's
11:31:38 17 a two-way street. We also have been occupied. And
11:31:38 18 if you suggest that we have an opportunity, I would
11:31:40 19 suggest to you that you have had an opportunity.
11:31:44 20 And, frankly, I know that you have not
11:31:46 21 misspoken intentionally in any regard, and I'm
11:31:51 22 not sure what you meant by you'd just received
11:31:53 23 the documents. But we examined a witness yesterday
11:31:54 24 who testified that the indication on the document,
11:31:54 25 as he read it, was that that document had been printed

11:31:54 1 on the 5th of September. Now, we both may agree that
11:32:00 2 that's also within the recent past.

11:32:02 3 I just want to be clear.

11:32:04 4 MR. HIBEY: Well, no, I understand. But it
11:32:06 5 presumes something else with respect to our receipt of
11:32:08 6 that document. And I stand by what I said, and I'm not
11:32:12 7 going to elaborate any further. Let's proceed.

11:32:15 8 MR. SCHOEN: Yes. We'll leave it that we do
11:32:17 9 have a serious disagreement on this.

11:32:19 10 MR. HIBEY: We have a serious disagreement, we
11:32:21 11 have a standing objection, and we have a demand that the
11:32:25 12 documents that you are using should have been translated
11:32:27 13 by you. You have -- your side having the capacity to do
11:32:31 14 that, the capability of doing that, in order to advance
11:32:34 15 it before the witness and before a court in the United
11:32:38 16 States.

11:32:38 17 MR. SCHOEN: Mr. Hibey, I think that
11:32:41 18 assertion shows tremendous chutzpah. You have provided
11:32:44 19 the documents to us in Arabic when they were provided.
11:32:48 20 Mr. McAleer suggested, in his e-mail, that those
11:32:52 21 documents be shown to this witness. And that's what
11:32:55 22 I'm doing.

11:32:57 23 MR. HIBEY: I'm not -- I'm having trouble
11:32:58 24 with you showing the document to the witness. I'm
11:33:00 25 having trouble with you using the document in its --

11:33:02 1 in a deposition where I have to sit here and not know
11:33:05 2 what the Arabic is or what the English is of the Arabic.
11:33:09 3 MR. SCHOEN: Just as I don't know.
11:33:11 4 MR. HIBEY: Well, this ought to be a very
11:33:13 5 interesting excursion by both of us. Let's see.
11:33:16 6 You have my objection.
11:33:20 7 MR. SCHOEN: I know you weren't here
11:33:22 8 yesterday. I said yesterday on the record that I
11:33:24 9 have a continuing objection to even having to examine
11:33:27 10 these witnesses with these documents like this. And
11:33:30 11 that goes for all of the depositions after September
11:33:34 12 10th.
11:33:36 13 MR. HIBEY: Well, that's noted. I believe
11:33:36 14 that that's noted yesterday.
11:33:36 15 Q. BY MR. SCHOEN: I'm going to show you,
11:33:36 16 mister --
11:33:43 17 MR. HIBEY: Excuse me, I hate -- I don't like
11:33:44 18 to interrupt. I really don't.
11:33:44 19 Are we marking anything?
11:33:45 20 MR. SCHOEN: Yes.
11:33:46 21 MR. HIBEY: I say that so that I can -- so
11:33:49 22 that we know at least what --
11:33:52 23 MR. SCHOEN: Yes. As I said before,
11:33:54 24 Mr. McAleer suggested I take Bates stamped documents
11:33:59 25 51 through 54 and show them to Mr. Dahbour to learn

11:34:03 1 more about the documents. That's what I'm doing now.

11:34:05 2 And we'll mark those as Exhibit A to

11:34:08 3 Mr. Dahbour's deposition. And those are defense

11:34:11 4 Bates stamp numbers 51, 52, 53, and 54.

11:34:18 5 MR. HIBEY: Are all "A"?

11:34:20 6 MR. SCHOEN: Yes, these are all "A." I'm

11:34:21 7 marking it as one unit. All four pages are Exhibit A.

11:34:52 8 MR. HIBEY: Just give me a moment to keep

11:34:52 9 track.

11:34:52 10 (I. Dahbour Exhibit A marked.)

11:34:58 11 MR. HIBEY: Now --

11:34:58 12 THE COURT REPORTER: One moment, Counsel.

11:34:58 13 MR. HIBEY: May I ask you one other question?

11:34:58 14 Do you intend to mark by the letter?

11:34:58 15 This is housekeeping. This -- if you want

11:34:58 16 to take your hands off, you can do it. This is off

11:34:58 17 the record.

11:34:58 18 MR. SCHOEN: It goes by letter.

11:35:03 19 MR. HIBEY: By letter? Okay. I didn't know.

11:35:03 20 This is the first one I've been in with you where you

11:35:03 21 actually --

11:35:03 22 MR. SCHOEN: Do you prefer number? I'll use

11:35:03 23 number.

11:35:08 24 MR. HIBEY: No, no. I --

11:35:08 25 MR. SCHOEN: Okay. We'll use letters.

11:35:08 1 MR. HIBEY: What's happening there?

11:35:13 2 MR. SCHOEN: Now, the last question is -- it

11:35:15 3 shows the tape has a very short time on it.

11:35:18 4 MR. HIBEY: Do you want to take the break now?

11:35:19 5 MR. SCHOEN: Take the break now, put a new

11:35:19 6 tape in? Should we just put a new tape in and not

11:35:22 7 break?

11:35:25 8 MR. HIBEY: Well --

11:35:25 9 MR. SCHOEN: We'll break for five minutes.

11:35:26 10 MR. HIBEY: I can -- we can do that. I think

11:35:26 11 he's well enough to proceed, and Amy is anxious so she'd

11:35:31 12 like to go on.

11:35:33 13 MR. SCHOEN: Okay. I hear that people have to

11:35:33 14 go to the bathroom. Five minutes and only five minutes,

11:35:37 15 and we'll come right back.

11:35:40 16 THE VIDEOGRAPHER: Going off the record at

11:35:42 17 11:36.

11:40:23 18 (Recess from 11:36 a.m. to 11:46 a.m.)

11:45:44 19 THE VIDEOGRAPHER: On the record at 11:46.

11:45:46 20 Q. BY MR. SCHOEN: Mr. Dahbour, I want to show

11:45:53 21 you what was marked as Exhibit A, already described as

11:46:00 22 a four-page document, Bates stamped. And by that, I

11:46:06 23 mean this number down here. (Indicating.) It's just

11:46:10 24 a number that the defense put on the paper so they can

11:46:18 25 keep track of documents that they can turn over. They

11:46:21 1 give them each a number called a Bates stamp. So this
11:46:25 2 is 51 through 54, Exhibit A.

11:46:30 3 I'd ask you to look at that document, all four
11:46:35 4 pages, and tell me if you recognize that document.

11:46:51 5 A. (Examining.) Yes, I know it.

11:46:53 6 Q. What is that document? Or if the pages are --
11:46:59 7 reflect different documents, tell me what each page is.

11:47:10 8 A. This document?

11:47:13 9 Q. Page 51.

11:47:19 10 A. Yes. This is a request for a security search
11:47:27 11 about Sadiq Hafez -- Abdel Hafez -- Sadiq Abdul Hafez.
11:47:28 12 This is a request from the Ramallah GIS, because
11:47:41 13 this person at the time was studying at the Qalandia
11:47:44 14 vocational school. And as I told you, any student that
11:47:54 15 moves from district to district, we have to pursue the
11:47:59 16 matter.

11:48:02 17 So the GIS of Ramallah are requesting a
11:48:06 18 security search about his file.

11:48:09 19 Q. Is there a date on that document?

11:48:14 20 A. The 2nd of July, 2001.

11:48:18 21 Q. Okay. And what does that date mean? Is that
11:48:21 22 when the request would have come to --

11:48:27 23 A. This is the date of the request itself --

11:48:30 24 Q. Have you seen --

11:48:30 25 A. -- the way it has been sent by them.

11:48:33 1 Q. Have you seen that document before?

11:48:36 2 A. Of course.

11:48:39 3 Q. Have you --

11:48:40 4 A. I have it in the file.

11:48:41 5 Q. Okay. So these documents, the four pages in

11:48:44 6 front of you, all came from Hafez's file?

11:48:54 7 A. Sadiq.

11:48:56 8 Q. And that's the file you reviewed?

11:49:01 9 A. Yes.

11:49:05 10 Q. And you removed those documents from the file?

11:49:08 11 A. Yes.

11:49:09 12 Q. Made copies?

11:49:12 13 A. Yes.

11:49:14 14 Q. And provided them to the defense?

11:49:17 15 A. Yes.

11:49:17 16 Q. Did you provide the defense with everything

11:49:21 17 that was in Mr. Hafez's file?

11:49:25 18 A. Yes.

11:49:25 19 Q. You don't remember, though, how many documents

11:49:31 20 that was?

11:49:32 21 A. I don't.

11:49:33 22 Q. Okay. Next sheet, 52.

11:49:47 23 A. Let's tackle 52 and 53 together. Combine

11:49:50 24 them.

11:49:51 25 Q. Good.

11:49:55 1 A. As the work of GIS, this letter was dispatched
11:49:59 2 from Ramallah. It entered into the section of the
11:50:05 3 operations. The operations requested a security
11:50:11 4 search from the field. And so we had these two
11:50:18 5 search warrants. From the field, these reports came.

11:50:24 6 After we received these from the field, the
11:50:27 7 head of the operations came. He summarized these two
11:50:33 8 documents and responded to the Ramallah GIS with this
11:50:37 9 letter.

11:50:38 10 Q. What number is this, his --

11:50:40 11 A. 54.

11:50:54 12 Q. Number 54 is the supervisor's summary.

11:51:01 13 Let me stop you one second, if I might.

11:51:06 14 Pages 52, 53, and 54, are they in printing
11:51:14 15 or handwriting?

11:51:18 16 A. I said it clearly. This came from the field
11:51:23 17 by handwriting.

11:51:25 18 Q. That's 52?

11:51:27 19 A. 52 and 53 is coming from the field. It's in
11:51:31 20 handwriting.

11:51:33 21 Q. And would the handwritten documents, in the
11:51:36 22 normal course of things, be typewritten at some point?
11:51:40 23 Or would the supervisor review them in handwriting?

11:51:48 24 A. He reads it with handwriting.

11:52:15 25 Q. Are these all of the documents that you gave

11:52:18 1 the defense from Sadiq Hafez's file, these four pieces
11:52:27 2 of paper?

11:52:32 3 A. No. There is more than four.

11:52:34 4 Q. Okay. Do you remember how many pages you gave
11:52:37 5 the defense?

11:52:39 6 A. I don't remember exactly, but it's more than
11:52:40 7 four.

11:52:41 8 Q. More than ten?

11:52:43 9 A. I don't know.

11:52:44 10 Q. But, in any event, you gave the defense all
11:52:47 11 of the documents that were in his file?

11:52:52 12 A. Yes.

11:52:53 13 Q. Okay. I have some other documents to talk
11:52:56 14 to you about that were given to us. I'll get to those
11:53:03 15 afterwards.

11:53:07 16 Okay. So can you read to us what's on the --
11:53:10 17 what the report provides, the handwritten notes?

11:53:14 18 You told us what the first document is.

11:53:24 19 A. It's printed here in the -- it is printed.

11:53:26 20 Q. Right. Can you tell us what it says?

11:53:34 21 A. This document?

11:53:36 22 Q. Yes. 51 you already told us about. So take
11:53:42 23 52, tell us what that says.

11:53:50 24 A. This is in handwriting, of course. Security
11:53:57 25 search concerning Sadiq. He has his full name and

11:54:05 1 four items: His social status, he is a celibate,
11:54:10 2 not married; his education and level, he is a student
11:54:19 3 in Qalandia Vocational School; currently living in
11:54:24 4 Kalkilya, Hayeshimadi, at the time.

11:54:30 5 Q. Is there a date on that document?

11:54:37 6 A. 9 July, 2001.

11:54:40 7 Q. And would that reflect the date the report
11:54:43 8 was made, the handwriting was made on the paper?

11:54:47 9 A. Yes.

11:54:48 10 Q. Please continue.

11:54:54 11 A. Political affinity: Nonexistent.

11:55:04 12 It is mentioned he finished the third
11:55:07 13 preparatory class in Kalkilya and he headed to the
11:55:10 14 Qalandia Vocational School to study body -- car
11:55:20 15 bodywork and painting cars. He works for -- in a
11:55:30 16 garage, in a car garage, Jaljouleh Street.

11:55:37 17 There are no ethical violations or records
11:55:46 18 on him, misbehavior or misdemeanor. And he works --
11:55:55 19 his father works in Israel proper, and they have a
11:56:02 20 restaurant on the lower floor of the house.

11:56:07 21 A week before the date when the report has
11:56:11 22 been prepared, a problem happened with Sadiq at the
11:56:20 23 institute. And this was one day before he was supposed
11:56:26 24 to graduate from the institute. He left the institute
11:56:32 25 and went home. His father protested on this. He

11:56:40 1 brought him back in order to pick up his certificate.

11:56:50 2 This is what is the gist of 52.

11:56:57 3 Q. And 53?

11:57:02 4 A. Also the full name, his nickname is Sadiq

11:57:13 5 Zaid. He's back -- Sadiq Zaid -- and living in

11:57:25 6 Kalkilya. Place of birth, celibate, he is a student,

11:57:34 7 and he studies at the Qalandia Vocational School.

11:57:42 8 He worked also in a car garage on Jaljoulieh Street.

11:57:52 9 His father was a worker within Israel, and he has

11:57:55 10 a restaurant on the lower floor of the house.

11:58:02 11 The same thing: It reiterates that he had

11:58:08 12 trouble in Qalandia, a problem happened in Qalandia.

11:58:14 13 What is printed here, it is a summary of what is in

11:58:20 14 handwriting.

11:58:22 15 Q. Which page now? 54?

11:58:26 16 A. 54.

11:58:26 17 Q. That's a summary by the supervisor?

11:58:31 18 A. They type this and dispatch it to Ramallah.

11:58:36 19 Q. If you would just take a quick look at that

11:58:39 20 and see if that -- if there's anything in there that

11:58:42 21 didn't appear in 52 or 53.

11:58:51 22 A. This has no relation. The people who typed

11:58:57 23 it, they typed it from the handwriting. They typed it

11:59:03 24 from the available handwritten material.

11:59:04 25 Q. 54 looks to you like a fair summary -- an

11:59:08 1 accurate summary of what's in the other documents, 52
11:59:11 2 and 53?
11:59:16 3 A. 52 and 53.
11:59:18 4 Q. Okay.
11:59:18 5 A. This is the usual modus operandi of the GIS,
11:59:29 6 that they take the handwritten material from the field
11:59:35 7 through an official typed letter.
11:59:40 8 Q. So the regular course of business that the
11:59:45 9 GIS follows with respect to its filing procedures was
11:59:50 10 followed in this case, as far as you can tell?
12:00:00 11 A. Yes.
12:00:04 12 Q. Let me show you, then -- I represent to you
12:00:07 13 that the other documents that Mr. McAleer suggested
12:00:11 14 showing to this witness are Bates stamped 63 through 67.
12:00:17 15 MR. HIBEY: That will be your Exhibit B?
12:00:20 16 MR. SCHOEN: Exhibit B.
12:00:49 17 Mr. Hibey, what I'm going to do is: Your
12:00:54 18 office, I believe through Mr. O'Toole, was kind enough,
12:00:57 19 at our request yesterday, to bring in a packet of what
12:00:59 20 Mr. O'Toole said were the -- correct me if I'm wrong --
12:01:04 21 the originals of the documents that the defense received
12:01:06 22 so that -- because they may be a bit more legible. That
12:01:14 23 was our -- the reason for our request anyway. And I
12:01:16 24 think, in fact, they are a bit more legible.
12:01:19 25 MR. HIBEY: Okay.

12:01:20 1 MR. SCHOEN: I'd -- I'd like to show
12:01:21 2 the defendant the original because I think he has
12:01:22 3 a better -- let me show him -- show him the copies
12:01:26 4 first because they are Bates stamped.

12:01:29 5 MR. HIBEY: If you need to show the originals,
12:01:31 6 then show him the originals.

12:01:33 7 MR. SCHOEN: The problem is they're not Bates
12:01:36 8 stamped. Let me show him the Bates stamped ones, see
12:01:42 9 if -- I'm going to mark as Exhibit B the Bates stamped
12:01:46 10 documents 63 through 67 provided by the defense. Those
12:01:53 11 are their Bates stamp numbers. I'm going to call all
12:01:59 12 of those pages together Exhibit B to this deposition.

12:02:24 13 (I. Dahbour Exhibit B marked.)

12:02:27 14 Q. BY MR. SCHOEN: Mr. Dahbour, I'm going to show
12:02:30 15 you this document and ask if you can identify it. And
12:02:34 16 I'm going to ask you to read through it. But this is
12:02:42 17 a copy, as I understand it, of what you provided. And
12:02:47 18 I have here, courtesy of the defense, the original
12:02:54 19 documents as I understand they received them from you.

12:03:01 20 So if you have trouble reading it, let me
12:03:04 21 know, and we'll work out a system for you to read the
12:03:09 22 original, if necessary.

12:03:32 23 A. (Examining.) There is nothing which is
12:03:34 24 clear here. It's not legible. I am sure that I have
12:03:44 25 brought these documents, but they are not legible.

12:03:49 1 It's difficult with --

12:03:51 2 Q. Okay. I'm going to show you what we

12:03:54 3 understand to be the originals. And just to make

12:03:58 4 sure they're the exact same documents, I'll ask

12:04:01 5 defense counsel, maybe George, their translator, to

12:04:05 6 look at them.

12:04:06 7 I don't know what the text says. So if you

12:04:06 8 could tell if it appears to be the same page that --

12:04:11 9 MR. HIBEY: Indulge me for a moment.

12:04:17 10 MR. SCHOEN: Sure.

12:04:18 11 MR. HIBEY: We'll accept your representation

12:04:20 12 that these are the same documents.

12:04:22 13 MR. SCHOEN: Yeah. Well, I hope I can

12:04:26 14 recognize them as the same pages. I'm just looking

12:04:27 15 at the text and see if the text looks the same.

12:04:28 16 MR. HIBEY: Let's go off the record, because

12:04:31 17 we're burdening the record.

12:04:33 18 THE VIDEOGRAPHER: Going off the record at

12:04:34 19 12:05.

12:05:12 20 (Brief discussion held off the record.)

12:05:14 21 THE VIDEOGRAPHER: Back on the record at

12:05:16 22 12:06.

12:05:19 23 Q. BY MR. SCHOEN: Mr. Dahbour, I'm going to show

12:05:22 24 you the pages from the original that we believe match

12:05:24 25 up to these pages. And I'll ask you to look at them

12:05:26 1 and see if it's the same page.

12:05:32 2 This page I'm handing you now -- I guess I'm

12:05:36 3 going to have to mark them?

12:05:38 4 MR. HIBEY: No. Here's what we'll do. Why

12:05:40 5 don't you, for purposes of the deposition, put those

12:05:44 6 together --

12:05:44 7 MR. SCHOEN: Okay. Okay.

12:05:44 8 MR. HIBEY: -- as identical pages. Then

12:05:47 9 when this deposition's over, we'll make sure the record

12:05:52 10 reflects where we are.

12:05:54 11 MR. SCHOEN: Fine.

12:05:56 12 Q. BY MR. SCHOEN: So I'm going to hand you a

12:05:58 13 page now.

12:05:59 14 Does this look to you the same as 63?

12:06:04 15 A. Yes.

12:06:06 16 Q. Okay. So take this and hold it.

12:06:06 17 Now, does this look like number 64?

12:06:11 18 A. Yes.

12:06:16 19 Q. Does this look like number 65?

12:06:19 20 A. Yes. Correct.

12:06:25 21 Q. Does this look like 66?

12:06:30 22 A. Yes.

12:06:36 23 Q. Does this look like 67?

12:06:41 24 A. Yes.

12:06:43 25 Q. Okay. So now you have an original -- what

12:06:50 1 I am calling an original -- I guess that's still a
12:06:54 2 copy -- but the document provided today by the defense,
12:06:57 3 which we're calling an original, and a copy with a Bates
12:07:01 4 stamp number.

12:07:04 5 Look at both copies of that and see if you can
12:07:07 6 read one better than the other and, if you can, tell me
12:07:13 7 what the document says.

12:07:37 8 A. This is a charge sheet to Jamal Amin where
12:07:52 9 he confessed against Shaher Rai. This is the first
12:08:00 10 confession, of course.

12:08:02 11 Q. Now we're talking about document 62?

12:08:06 12 MR. HIBEY: 63.

12:08:07 13 Q. BY MR. SCHOEN: 63. 63?

12:08:17 14 A. Either printing or what is written here? 63.

12:08:32 15 OFFICIAL INTERPRETER RABINOVITCH: No, he
12:08:32 16 looked at the --

12:08:32 17 MR. HIBEY: He's confused by the exhibit
12:08:41 18 stamp, tab.

12:08:43 19 But that's 63, Counsel?

12:08:45 20 MR. SCHOEN: 63, correct.

12:08:47 21 Q. BY MR. SCHOEN: The document you just
12:08:50 22 described was 63; correct?

12:08:53 23 A. The confession of Jamal Amin.

12:08:57 24 Q. Yes. Do you know where that document came
12:08:59 25 from?

12:09:03 1 A. This is from the IDF. It's an official charge
12:09:09 2 sheet from the court, from the IDF.
12:09:14 3 Q. But is this a document you provided to the
12:09:16 4 defense?
12:09:20 5 A. Yes.
12:09:20 6 Q. And where did you get that document from in
12:09:22 7 order to give it to the defense?
12:09:31 8 A. From the file.
12:09:33 9 Q. Whose file?
12:09:34 10 A. The file of Shaher Rai.
12:09:40 11 Q. So you took that from the file of Shaher
12:09:42 12 Al-Rai and provided it to the defense?
12:09:46 13 A. Yes.
12:09:47 14 Q. How did you decide to choose that document
12:09:49 15 from Shaher Al-Rai's file?
12:09:54 16 A. Because I know all the dossiers, Shaher and
12:09:57 17 Maher and others.
12:10:00 18 Q. Right. But he had a big file, Shaher Al-Rai;
12:10:02 19 right?
12:10:06 20 A. Right.
12:10:07 21 Q. So why did you pick this particular document,
12:10:10 22 number 50 -- 63?
12:10:21 23 A. This is -- in Kalkilya, they had made
12:10:25 24 an uproar. They accused that the Authority is not
12:10:32 25 following justice. Because the main accused, which

12:10:39 1 is Jamal, who was incarcerated by the Israelis, and
12:10:47 2 he is the one who confessed against Shaher, Jamal
12:10:54 3 went home, was released after 40 days, and Shaher
12:10:58 4 stayed seven years imprisoned by the PA. This is
12:11:07 5 why it's a very well-known case to the public.

12:11:12 6 Q. I think my question wasn't understood.

12:11:16 7 My question is: Why did you, Mr. Dahbour,
12:11:22 8 take that particular document and give it -- select it
12:11:27 9 off from the rest of the documents in the Shaher Al-Rai
12:11:30 10 file and give that one to the defense?

12:11:41 11 A. Because this is directly related to the case
12:11:46 12 that we are talking about.

12:11:48 13 Q. So you went through Shaher Al-Rai's file --

12:11:58 14 (Comment in Arabic by the witness.)

12:12:01 15 MR. SCHOEN: Answer? He said "yes."

12:12:02 16 (Pending question re-translated.)

12:12:03 17 THE WITNESS: Yes.

12:12:06 18 Q. BY MR. SCHOEN: And you decided what
12:12:08 19 documents, if any, were relevant to these proceedings?

12:12:20 20 A. Why I took this out from the file of Shaher
12:12:23 21 Rai?

12:12:23 22 Q. Which is this now, 62, 63, or 64?

12:12:30 23 A. All these documents.

12:12:33 24 Q. Okay.

12:12:34 25 A. Because, in the work of the GIS, in the file

12:12:42 1 of Sadiq Hafez and Ra'ed Nazzal, there are notes that
12:12:50 2 are -- that there is a charge sheet that concerns this
12:12:56 3 particular case. And it is written in which dossier
12:13:04 4 it is existing.

12:13:05 5 Q. Which particular case is he referring to?

12:13:13 6 A. That I'm talking about?

12:13:16 7 Q. Yes.

12:13:17 8 A. The case of Sadiq and Ra'ed Nazzal.

12:13:22 9 Q. So in the records of the GIS, there is a file
12:13:29 10 that relates to the case of Sadiq Hafez and Shaher --
12:13:36 11 and Ra'ed Nazzal?

12:13:43 12 A. Of course, there is a file.

12:13:45 13 Q. And when you say "the case," you mean the
12:13:47 14 suicide bombing in Karnei Shomron?

12:13:54 15 A. Yes.

12:13:55 16 Q. In February 2002?

12:13:58 17 A. Yes.

12:14:00 18 Q. So I asked you earlier if files were
12:14:07 19 maintained only by the person's name or a number for
12:14:11 20 that person.

12:14:14 21 But is there also a file on this Karnei
12:14:21 22 Shomron suicide bombing itself?

12:14:34 23 A. No, no. The information, it is written in
12:14:38 24 the dossiers of specific individuals. This is why
12:14:43 25 there is a serial number that -- where the information

12:14:47 1 is in each dossier.

12:14:50 2 Q. So what you did was: You knew that Sadiq
12:14:53 3 Hafez was involved in that suicide bombing, he was
12:15:04 4 the bomber; right?

12:15:12 5 A. He didn't blow himself up. He threw a bomb,
12:15:16 6 and he used weapons. He did not make a suicidal
12:15:21 7 operation.

12:15:25 8 Q. Where did you get that information from?

12:15:29 9 A. It is in the dossier.

12:15:33 10 Q. You don't believe that Sadiq Hafez was a
12:15:38 11 suicide bomber?

12:15:45 12 A. I know that he participated in this operation.
12:15:49 13 I don't know exactly in which form the operation was
12:15:53 14 conducted. The information I have is that he threw a
12:16:00 15 bomb and he used arms.

12:16:03 16 Q. Is it possible that he threw a grenade first
12:16:13 17 and then blew himself up in a suicide bombing?

12:16:21 18 A. I don't know.

12:16:27 19 Q. Okay. So you knew that, in some way, Sadiq
12:16:30 20 Hafez was involved in this suicide bombing in Karnei
12:16:36 21 Shomron?

12:16:37 22 A. Before the operation?

12:16:39 23 Q. No. When you're looking now for documents
12:16:42 24 that are relevant to these proceedings.

12:16:45 25 A. Yes.

12:16:46 1 Q. You looked in Hafez -- Sadiq Hafez's file
12:16:50 2 because you knew he was involved?

12:16:58 3 A. Yes.

12:16:59 4 Q. And you looked in Ra'ed Nazzal's file because
12:17:02 5 you knew he was involved in the bombing?

12:17:10 6 A. Correct.

12:17:11 7 Q. Are you aware that Ra'ed Nazzal provided the
12:17:15 8 bomb to Sadiq Hafez?

12:17:17 9 MR. HIBEY: That assumes a fact not in
12:17:21 10 evidence. Object. Object to the form of the question.
12:17:24 11 No foundation.

12:17:26 12 Q. BY MR. SCHOEN: The -- I know you're not
12:17:30 13 familiar with the rules of these proceedings.

12:17:38 14 When I ask you a question, usually, even
12:17:45 15 if the lawyer objects, you -- you still answer the
12:17:49 16 question, unless the lawyer directs you not to answer
12:17:58 17 the question.

12:18:04 18 Now, in this instance, I don't believe the
12:18:07 19 lawyer was directing you not to answer the question.
12:18:09 20 But Mr. Hibey will correct me if I'm wrong.

12:18:22 21 I would like you to answer the question.

12:18:28 22 A. How did he blow himself up?

12:18:32 23 Q. No. You knew that -- you know now that Ra'ed
12:18:35 24 Nazzal was involved in a bombing incident in Karnei
12:18:41 25 Shomron; correct?

12:18:50 1 A. The Israelis murdered him in April 2002.

12:18:56 2 And they announced that the reason for murdering him

12:19:00 3 is -- and Sadiq -- and this is not secret, that Sadiq

12:19:09 4 was helping in the operation, was involved. He was

12:19:15 5 murdered two months after the operation was conducted.

12:19:20 6 Q. So you understand that Ra'ed Nazzal was

12:19:24 7 involved with Sadiq Hafez in the bombing in Karnei

12:19:29 8 Shomron; correct?

12:19:30 9 MR. HIBEY: I -- let me object to that

12:19:32 10 question, too. That's not what the witness said.

12:19:35 11 MR. SCHOEN: I am asking the witness whether

12:19:37 12 that is his testimony.

12:19:41 13 MR. HIBEY: Well, you used the word "so."

12:19:57 14 Q. BY MR. SCHOEN: You understand that Ra'ed --

12:19:59 15 oh.

12:20:01 16 You understand that Ra'ed Nazzal was involved

12:20:03 17 with Sadiq Hafez in the attack in Karnei Shomron that

12:20:09 18 we're talking about?

12:20:11 19 A. I know from the media.

12:20:13 20 Q. Okay. From whatever source, you're aware

12:20:15 21 of that?

12:20:19 22 MR. HIBEY: Object to the use of the word

12:20:20 23 "aware," in light of what he had said.

12:20:24 24 MR. SCHOEN: "Aware"? Did you say -- I'm

12:20:24 25 sorry. Did you say --

12:20:28 1 MR. HIBEY: No, perhaps I was thinking
12:20:30 2 that the proper word is "aware" as opposed to "you
12:20:37 3 understand that." Basically, we're talking about
12:20:40 4 you're attributing hearsay information as a fact to
12:20:44 5 this witness.

12:20:46 6 MR. SCHOEN: This witness -- I'm asking this
12:20:48 7 witness about the methodology he used to pull documents
12:20:53 8 from files.

12:20:54 9 The witness testified -- in my understanding,
12:20:58 10 the witness' testimony was that he selected those files
12:21:01 11 that he thought were relevant to the incident that's
12:21:04 12 the subject of this lawsuit.

12:21:06 13 MR. HIBEY: Yes.

12:21:10 14 MR. SCHOEN: So for purposes of these
12:21:12 15 questions, I don't care where the witness came to
12:21:14 16 that conclusion. I'm just asking him whether he had
12:21:18 17 in mind that that person in this case, Ra'ed Nazzal,
12:21:24 18 was involved in the attack that's the subject of the
12:21:28 19 lawsuit.

12:21:28 20 MR. HIBEY: Now, that's slightly different
12:21:29 21 than the question that you put to him. Because the
12:21:32 22 question you put to him was a fact that was presumed
12:21:36 23 when, in fact, he had told you that he had learned of
12:21:39 24 or became -- had become aware of these two people being
12:21:46 25 involved in that operation by reason of the Israelis

12:21:52 1 having said so.

12:21:55 2 Q. BY MR. SCHOEN: You selected Ra'ed Nazzal's
12:21:58 3 file to go through, to pull documents for this case;
12:22:02 4 correct?

12:22:09 5 A. Shaher?

12:22:19 6 OFFICIAL INTERPRETER AGHAZARIAN: Sadiq.

12:22:19 7 Sadiq Hafez.

12:22:19 8 MR. SCHOEN: No, I didn't say that.

12:22:19 9 CHECK INTERPRETER HAZOU: He didn't say that.

12:22:22 10 He said --

12:22:22 11 MR. SCHOEN: I didn't say that.

12:22:23 12 Q. BY MR. SCHOEN: I said: You selected Ra'ed
12:22:24 13 Nazzal's file to look through, to go through, for
12:22:30 14 documents that you believe might be relevant to this
12:22:35 15 case; correct?

12:22:42 16 A. It's not that I think. It is already there
12:22:45 17 in the dossier. It's indicated within the file.

12:22:49 18 Q. Okay. The file indicates that Ra'ed Nazzal
12:22:51 19 is a person whose file would have information or
12:22:56 20 documents relevant to this case?

12:23:12 21 A. Documents?

12:23:13 22 Q. Documents or information would be in Ra'ed
12:23:14 23 Nazzal's file that are relevant to this case?

12:23:30 24 A. There are reports, that's the Israeli
12:23:44 25 allegations, that it was done by Sadiq and Nazzal.

12:23:50 1 CHECK INTERPRETER HAZOU: You said --
12:23:53 2 (Exchange in Arabic among Official Interpreter
12:23:53 3 Aghazarian, Check Interpreter Hazou, and the
12:23:59 4 witness.)
12:24:03 5 THE WITNESS: There are reports within the
12:24:04 6 file that indicate, according to the person writing it,
12:24:14 7 that the Israelis accuse Ra'ed and that he recruited
12:24:26 8 him -- recruited Sadiq.
12:24:29 9 CHECK INTERPRETER HAZOU: This is what he
12:24:30 10 said.
12:24:31 11 Q. BY MR. SCHOEN: Why did you pick -- before
12:24:34 12 you looked at the file, Ra'ed Nazzal's file, why did
12:24:38 13 you pick Ra'ed Nazzal's file to look at for purposes
12:24:43 14 of this case?
12:24:48 15 A. This is very clear. According to what is
12:24:54 16 within the file of Sadiq, it is -- it is mentioned
12:25:00 17 that the Israelis accuse Ra'ed. This is why that was
12:25:05 18 my choice of the file to see.
12:25:08 19 Q. Okay. So, first, you looked at Hafez's file?
12:25:13 20 OFFICIAL INTERPRETER AGHAZARIAN: Sadiq.
12:25:13 21 MR. SCHOEN: Sadiq.
12:25:14 22 Q. BY MR. SCHOEN: And you saw reference to Ra'ed
12:25:16 23 Nazzal. And then you looked then at Ra'ed Nazzal's file
12:25:23 24 because of the reference?
12:25:29 25 A. Right.

12:25:31 1 Q. If you know, did the GIS at any time
12:25:38 2 investigate whether Ra'ed Nazzal was involved in the
12:25:43 3 attack in Karnei Shomron?

12:25:50 4 A. Let me clarify two matters from this issue.

12:25:55 5 First of all, this period in 2002, there was
12:26:01 6 repeated incursions by the Israeli army. Actually, the
12:26:07 7 offices were not functioning at all in a proper form.
12:26:13 8 And the -- the area was cut off into A, B, C, et cetera.

12:26:18 9 CHECK INTERPRETER HAZOU: "And it was hard to
12:26:21 10 get access to Israel."

12:26:24 11 OFFICIAL INTERPRETER AGHAZARIAN: "It was very
12:26:27 12 difficult to have access."

12:26:29 13 THE WITNESS: We could not have access to
12:26:32 14 the offices and our work places. There was repeated
12:26:40 15 incursions, and there was no way to function normally.

12:26:51 16 Between the -- when the operation was
12:26:54 17 conducted and the murder of Ra'ed Nazzal, there
12:26:58 18 was merely two months of time. There wasn't time
12:27:05 19 to conduct a proper investigation and follow-up. And
12:27:18 20 the main factor is that the offices were paralyzed.

12:27:28 21 Q. BY MR. SCHOEN: I'm asking you whether, at
12:27:30 22 any time, the GIS investigated who was involved in the
12:27:35 23 attack in Karnei Shomron?

12:27:38 24 From the time of the attack until today,
12:27:41 25 has there ever been an investigation by the GIS about

12:27:50 1 any details regarding that attack, including who was
12:27:55 2 involved or who might have been involved?
12:28:04 3 A. I personally -- I wasn't involved in it. But
12:28:11 4 I know that there are coordinating committees between
12:28:15 5 the Israelis and Palestinians that pursue such matters.
12:28:21 6 Q. In your review of Hafez's file, Ra'ed Nazzal's
12:28:27 7 file, do you see any indication as to whether the GIS
12:28:31 8 ever performed an investigation into the attack on
12:28:36 9 Karnei Shomron?
12:28:47 10 A. This investigation happens at the higher
12:28:50 11 levels of committees, not at our level.
12:28:54 12 Q. So if there were an investigation -- well,
12:28:57 13 do you know if there was any investigation of the
12:29:01 14 attack on Karnei Shomron by the GIS at any level?
12:29:08 15 A. I don't know at -- at what level. I do
12:29:16 16 not want to speculate. According to my information --
12:29:22 17 I don't know.
12:29:23 18 Q. And what are the higher levels that you're
12:29:26 19 referring to?
12:29:33 20 A. There are coordinating committees,
12:29:36 21 Israeli/Palestinian, that specialize in such issues.
12:29:43 22 They have joint sessions and meetings. You can find
12:29:48 23 the information about this at that level.
12:29:51 24 Q. Where would that information be kept? Where
12:29:54 25 would a file about that information be kept?

12:29:58 1 A. I don't know.

12:29:59 2 Q. When you say "coordination," you mean between

12:30:02 3 the Israeli authorities and the Palestinian authorities

12:30:04 4 at that higher level?

12:30:13 5 A. Right.

12:30:14 6 Q. Let's talk about the rest of the documents

12:30:16 7 you have in front of you. We covered so far 63.

12:30:26 8 And what about 64?

12:30:51 9 A. Here on 63 -- sorry -- 64, Jamal Al-Hindi,

12:31:03 10 that we referred to earlier, who confessed against

12:31:08 11 Shaher, and he withdrew his confession.

12:31:16 12 He said that: I have been lying in the

12:31:19 13 confession that I have given.

12:31:25 14 Q. What's the date on that?

12:31:29 15 A. I don't know. This is from an Israeli court.

12:31:32 16 It's not legible.

12:31:33 17 Q. It appears to be from an Israeli court?

12:31:37 18 A. Yes.

12:31:40 19 Q. Now, this is a document also that you selected

12:31:44 20 from a file?

12:31:45 21 A. Yes.

12:31:46 22 Q. And whose file did this come from?

12:31:48 23 A. Shaher's file.

12:31:57 24 Q. What made you look at Shaher Al-Rai's file?

12:32:02 25 What made you select Shaher Al-Rai's file to look at?

12:32:09 1 A. I already clarified why I chose him.

12:32:13 2 Q. Well, you told me -- correct me if I'm wrong.

12:32:16 3 But you told me that you looked first at Sadiq

12:32:21 4 Hafez's file and you saw a reference to Ra'ed Nazzal;

12:32:25 5 correct?

12:32:32 6 A. Yes.

12:32:34 7 Q. And that's why you looked at Ra'ed Nazzal's

12:32:36 8 file?

12:32:40 9 A. Yes. Right.

12:32:42 10 Q. Why did you look at Shaher Al-Rai's file?

12:32:43 11 Same reason or a different reason?

12:32:43 12 A. I clarified the reason before, earlier. There

12:32:56 13 was a big uproar in the community on this topic. They

12:33:05 14 say that the main person who confessed was released.

12:33:09 15 Q. But you're -- you were looking for documents.

12:33:12 16 You were selecting files to find documents relevant to

12:33:20 17 this case, the bombing in Karnei Shomron case; right?

12:33:24 18 A. Right.

12:33:31 19 Q. And you picked Ra'ed Nazzal's file because,

12:33:32 20 in Sadiq Hafez's file, there was a reference to Ra'ed

12:33:32 21 Nazzal in connection with the Karnei Shomron --

12:33:32 22 (Court reporter clarification.)

12:33:40 23 Q. BY MR. SCHOEN: You looked in Sadiq Hafez's

12:33:42 24 file because you were looking for documents about the

12:33:46 25 Karnei Shomron attack?

12:33:47 1 (Comment in Arabic by the witness.)

12:33:47 2 MR. SCHOEN: Albert? He just answered.

12:33:53 3 OFFICIAL INTERPRETER AGHAZARIAN: "Yes."

12:33:54 4 Q. BY MR. SCHOEN: And you then looked in Ra'ed

12:33:57 5 Nazzal's file because you believed there would be

12:34:03 6 something relevant in Nazzal's file about the Karnei

12:34:12 7 Shomron attack; right?

12:34:16 8 A. Yes.

12:34:19 9 Q. When you looked in -- in Hafez's file, Sadiq

12:34:22 10 Hafez's file, did you see a reference to Shaher Al-Rai

12:34:26 11 related to the attack in Karnei Shomron?

12:34:37 12 A. No.

12:34:39 13 Q. So you didn't look in Shaher Al-Rai's file

12:34:43 14 because you believed he was involved in the Karnei

12:34:46 15 Shomron attack; correct?

12:34:54 16 That wasn't the reason you looked in Shaher

12:34:56 17 Al-Rai's file?

12:35:07 18 A. A reason for reading -- going into the

12:35:09 19 Shaher Rai file was the uproar that was raised in

12:35:15 20 the community.

12:35:16 21 Q. Was that uproar -- does that uproar have

12:35:19 22 anything to do with the attack in Karnei Shomron?

12:35:31 23 A. No. But the -- the accusations leveled by

12:35:37 24 Jamal Hindi to Shaher Rai --

12:35:41 25 Q. To or about? About --

12:35:42 1 A. These are two different issues.

12:35:47 2 MR. SCHOEN: No, you've mistranslated the

12:35:51 3 word, I think, or he's mis-said it. He didn't mean

12:35:55 4 "to" Shaher Rai. He meant "about" Shaher Al-Rai.

12:35:58 5 CHECK INTERPRETER HAZOU: Yes, "about."

12:35:59 6 THE WITNESS: About.

12:36:00 7 MR. SCHOEN: And I'm sorry. I don't mean

12:36:02 8 to say you mistranslated anything. Just a slip of the

12:36:06 9 tongue. Okay.

12:36:07 10 THE WITNESS: The issue of Shaher Al-Rai is

12:36:16 11 something, and the issue of Sadiq is a different matter

12:36:20 12 altogether.

12:36:23 13 Sadiq's issue is Karnei Shomron. Now the

12:36:29 14 Israelis accuse Ra'ed Nazzal of perpetrating or of

12:36:37 15 recruiting Sadiq.

12:36:40 16 The issue of Shaher, it's the issue related

12:36:46 17 to the Wadi Al-Qelt incident, the confession of Jamal

12:36:53 18 Hindi about Shaher in Wadi al-Qelt, on the way to

12:37:04 19 Jericho.

12:37:05 20 The GIS detained Shaher. Shaher was

12:37:15 21 incarcerated by the GIC -- GIS. And Jamal Hinde,

12:37:21 22 in the meanwhile, was detained by the Israelis. Of

12:37:30 23 course, Jamal, that had confessed about Shaher, went

12:37:38 24 home. After 40 days he was released. And Shaher

12:37:41 25 stayed seven years in prison with the PA. This is

12:37:49 1 why there was an uproar on this particular case.

12:37:54 2 Q. BY MR. SCHOEN: About this Shaher and Al-Hindi
12:37:56 3 business.

12:37:59 4 A. Yes.

12:37:59 5 Q. Okay. Then I'll go back.

12:38:03 6 I asked you how you selected documents from
12:38:06 7 files to produce to the defense, how you selected whose
12:38:15 8 file to look in. I thought you told me that you were
12:38:25 9 looking for documents relevant to the attack in Karnei
12:38:30 10 Shomron.

12:38:34 11 A. Right.

12:38:36 12 Q. These documents that you're referring to now
12:38:39 13 about Shaher and Al-Hindi have nothing to do with the
12:38:43 14 attack in Karnei Shomron; right?

12:38:50 15 A. These documents I brought -- Shaher Al-Rai
12:38:59 16 is the one who rented the house of Muhammad Zaid. He
12:39:10 17 signed on the contract to rent the headquarters of the
12:39:15 18 PFLP. I said anything related to this matter, I will
12:39:21 19 probe into it. And I was searching whether the PFLP
12:39:30 20 is directly involved in making this operation.

12:39:38 21 These are very normal kinds of information.
12:39:41 22 It has nothing to do with the operation itself. And
12:39:47 23 this is public, I mean, open from the court.

12:39:50 24 Q. But from this large Shaher Al-Rai file, you
12:39:57 25 selected only these documents as the --

12:40:03 1 A. What was raising furor and uproar, which was
12:40:06 2 accusing the PA for being unfair and unjust.
12:40:20 3 Q. Again, how is that relevant to the attack in
12:40:25 4 Karnei Shomron, in your mind?
12:40:30 5 The fact that there was an uproar over Shaher
12:40:34 6 Al-Rai being locked up in Jericho, you believe -- and
12:40:41 7 the Al-Hindi confession or false confession, how in your
12:40:50 8 mind is that relevant to the attack in Karnei Shomron?
12:41:02 9 A. We have -- we have tried to seek if there is
12:41:05 10 a connection. We found that there is no connection.
12:41:09 11 Q. No connection between what?
12:41:17 12 A. Between Wadi Al-Qelt and the Karnei Shomron.
12:41:23 13 There is no linkage between these two operations.
12:41:29 14 Q. So you selected these documents because
12:41:31 15 there's no relevance to the attack in Karnei Shomron?
12:41:36 16 A. We were trying to find a linkage. We found
12:41:42 17 that there is no such thing.
12:41:44 18 Q. Well, are there documents in Shaher Al-Rai's
12:41:46 19 file that show that he was a PFLP member at the time
12:41:53 20 of the attack?
12:41:56 21 A. Yes, he was.
12:41:58 22 Q. Did you select -- are there documents in the
12:42:01 23 file that show that?
12:42:08 24 A. Reports rather than documents.
12:42:10 25 Q. There are reports in Shaher Al-Rai's file that

12:42:14 1 show that at the time he was a PFLP member; right?

12:42:19 2 A. Right. Even more important, he was detained

12:42:26 3 by the Israelis from 2005 until 2010. And the charge

12:42:34 4 sheet clearly indicates that he is a member of the PFLP.

12:42:43 5 Q. And were there documents in Shaher Al-Rai's

12:42:48 6 file that show that Shaher Al-Rai, on behalf of the

12:42:58 7 PFLP, rented the -- signed the contract for the Zaid

12:43:06 8 house that was used as the PFLP office in Kalkilya?

12:43:21 9 A. In Kalkilya? There are reports. I don't have

12:43:27 10 corroborated evidence.

12:43:28 11 Q. Is there -- in the file of Shaher Al-Rai,

12:43:32 12 there are reports that Shaher Al-Rai was a member of

12:43:39 13 the PFLP; correct?

12:43:42 14 A. Right.

12:43:43 15 Q. Did you select any of those documents to give

12:43:46 16 to the defense lawyers?

12:43:55 17 A. If it was requested from me and it would

12:44:00 18 have been on the charge sheet that the Israelis have

12:44:05 19 prepared, if it was requested from me.

12:44:08 20 Q. I'm only asking you whether, when you went

12:44:11 21 through the file to look for documents for the defense

12:44:24 22 in connection with these proceedings, when you saw

12:44:32 23 documents or reports in Shaher Al-Rai's file indicating

12:44:40 24 to you that Shaher Al-Rai was a member of the PFLP,

12:44:50 25 did you select any of those documents to show to the

12:44:55 1 defense?

12:45:00 2 A. I did not attach importance on this issue.

12:45:06 3 Because the Israelis have detained Shaher after the

12:45:14 4 operation by three years. They held him also on the

12:45:19 5 charges of being a member of the PFLP, and nothing

12:45:26 6 else was queried about. The fact that he was already

12:45:32 7 detained with the Israelis and they are investigating

12:45:37 8 it, so it was outside my realm of interest.

12:45:42 9 Q. Do you know where Shaher Al-Rai is today?

12:45:47 10 A. In Kalkilya.

12:45:47 11 Q. He lives in Kalkilya today?

12:45:50 12 A. Yes.

12:45:51 13 Q. He is a PFLP member; correct?

12:46:00 14 A. He has been released by the Israelis, cleared.

12:46:05 15 Q. No, I understand.

12:46:05 16 I'm just asking: You know he is a PFLP

12:46:09 17 member?

12:46:10 18 A. Yes.

12:46:12 19 Q. And is there still the PFLP office in

12:46:15 20 Kalkilya?

12:46:19 21 A. Yes. They do have an office.

12:46:21 22 Q. Okay.

12:46:23 23 A. But it deals with social activities.

12:46:27 24 Q. How do you know that?

12:46:31 25 A. From the reports that I have in my files.

12:46:35 1 Q. Have you visit --

12:46:36 2 THE VIDEOGRAPHER: I need to change the tape.

12:46:38 3 MR. SCHOEN: Do I have a minute or not?

12:46:36 4 THE VIDEOGRAPHER: Thirty seconds.

12:46:42 5 Q. BY MR. SCHOEN: Are you aware that weapons

12:46:45 6 have been found in the PFLP office in Kalkilya at some

12:46:51 7 time?

12:46:53 8 MR. HIBEY: I'll object to that question.

12:46:54 9 Form. Totally vague. Totally vague. Totally without

12:46:56 10 foundation on this record.

12:46:56 11 Q. BY MR. SCHOEN: Can I get an answer, please?

12:46:59 12 A. Repeat the question, please.

12:47:03 13 Q. Are you aware that weapons have been found

12:47:06 14 in the Kalkilya office of the PFLP?

12:47:10 15 MR. HIBEY: Same objection.

12:47:16 16 THE WITNESS: From behalf of whom?

12:47:18 17 Q. BY MR. SCHOEN: Weapons. On behalf of anyone,

12:47:21 18 weapons have been found in that office?

12:47:24 19 A. I am surprised from such a question.

12:47:32 20 THE VIDEOGRAPHER: We have to go off the

12:47:34 21 record now.

12:47:35 22 THE WITNESS: Because the office was searched

12:47:36 23 by the Israelis at least ten times.

12:47:42 24 THE VIDEOGRAPHER: Going off --

12:47:43 25 THE WITNESS: At least.

12:47:45 1 THE VIDEOGRAPHER: Going off the record at
12:47:46 2 12:48.
12:47:48 3 (Recess from 12:48 p.m. to 12:59 p.m.)
12:59:08 4 THE VIDEOGRAPHER: Back on the record at
12:59:11 5 12:59.
12:59:16 6 Q. BY MR. SCHOEN: Mr. Dahbour, when we finished
12:59:20 7 the last session, I asked whether you were aware that
12:59:25 8 weapons had been kept in the PFLP house in Kalkilya.
12:59:28 9 And your answer, as I understand it, was that you would
12:59:35 10 be surprised to hear that, because the Israelis had
12:59:44 11 raided the office ten times.
12:59:51 12 Is that a fair characterization of your
12:59:53 13 testimony?
12:59:59 14 A. Yes.
13:00:00 15 Q. Are you aware, sir, that the Israelis found
13:00:03 16 weapons in that house, PFLP house in Kalkilya?
13:00:09 17 A. I don't know.
13:00:10 18 Q. Have you ever reviewed the reports from the
13:00:13 19 Israeli raids of that house, the PFLP house in Kalkilya?
13:00:24 20 MR. HIBEY: Object to that question because
13:00:27 21 it presumes facts that haven't been established, most
13:00:30 22 notably that Israeli reports have been given to him.
13:00:53 23 Q. BY MR. SCHOEN: Are you aware that there are
13:00:55 24 reports of investigation by the Israelis that reflect
13:01:05 25 having -- the Israelis found -- that the Israelis found

13:01:10 1 weapons in the PFLP house in Kalkilya?

13:01:17 2 A. No.

13:01:18 3 Q. Do you have any estimate as to how many PFLP

13:01:22 4 members live in Kalkilya?

13:01:28 5 A. Currently?

13:01:44 6 Q. Yes.

13:01:44 7 A. No.

13:01:45 8 Q. How about in the period 1998 to 2002, do

13:01:48 9 you have any idea about -- any estimate how many PFLP

13:01:54 10 members lived in Kalkilya?

13:01:57 11 A. I don't have numbers.

13:01:59 12 Q. Any estimate?

13:02:04 13 A. But their number is not significant.

13:02:08 14 Q. Ten?

13:02:08 15 A. I don't know.

13:02:11 16 Q. You knew that the PFLP maintained an office

13:02:14 17 in Kalkilya during that period, '98 to 2002?

13:02:27 18 A. Yes. That's open.

13:02:30 19 MR. SCHOEN: "That's open" means it's well

13:02:32 20 known?

13:02:34 21 OFFICIAL INTERPRETER AGHAZARIAN: "Well

13:02:34 22 known."

13:02:35 23 Q. BY MR. SCHOEN: And even before that period

13:02:37 24 and after that period until today?

13:02:53 25 A. It has been shut down around 2008.

13:02:57 1 Q. So today there is no PFLP office operating
13:03:01 2 in Kalkilya?

13:03:08 3 A. It was closed until 2008. After 2008, it
13:03:12 4 was re-opened.

13:03:14 5 Q. When was it closed?

13:03:18 6 A. 2002. At the end of 2002.

13:03:24 7 Q. Why was the PFLP office in Kalkilya closed
13:03:28 8 between the end of 2002 and 2008?

13:03:41 9 A. There have been repeated Israeli incursions.
13:03:44 10 I believe that this is the reason.

13:03:46 11 Q. Who closed down that office?

13:03:49 12 A. No one was working in it, and they shut it
13:03:55 13 down. There were Israeli incursions, and there was
13:04:02 14 no funding. So they shut it down.

13:04:17 15 Q. How do you know there was no funding?

13:04:20 16 A. From classified information that we get
13:04:24 17 together.

13:04:25 18 Q. Where was that classified information stored?

13:04:26 19 CHECK INTERPRETER HAZOU: No, no. "Classified
13:04:29 20 sources."

13:04:31 21 OFFICIAL INTERPRETER AGHAZARIAN: "Sources."

13:04:32 22 Q. BY MR. SCHOEN: What do you mean by
13:04:34 23 "classified sources"?

13:04:37 24 A. Intelligence, secret kind of sources.

13:04:41 25 Q. Meaning people who are informants?

13:04:46 1 A. Yes.

13:04:48 2 Q. Who are your sources of information about

13:04:50 3 the PFLP?

13:04:57 4 A. The persons?

13:04:57 5 Q. Yes.

13:04:58 6 A. The sources?

13:05:01 7 Q. Yes.

13:05:02 8 A. Yes, this is secret material. Classified.

13:05:08 9 Q. I ask you respectfully: Do you refuse to

13:05:11 10 answer that question?

13:05:15 11 A. No. These are sources within the PFLP.

13:05:18 12 I cannot reveal them.

13:05:21 13 Q. Okay. And I'm just asking you: Do you refuse

13:05:24 14 to reveal their identities?

13:05:29 15 A. The names of secret sources, classified?

13:05:35 16 Q. Yes.

13:05:35 17 A. Of course. Of course.

13:05:37 18 Q. Okay. Were there sources of information,

13:05:40 19 confidential secret sources of information within the

13:05:44 20 PFLP between 1998 and 2002?

13:05:59 21 A. Secret sources?

13:06:01 22 Q. Yes.

13:06:03 23 A. For sure there was.

13:06:06 24 Q. Will you tell me who those secret sources

13:06:09 25 were?

13:06:14 1 A. Who they are?

13:06:15 2 Q. Yes.

13:06:17 3 A. I'm not entitled to reveal in such matters.

13:06:22 4 Q. You said that the PFLP office in Kalkilya

13:06:27 5 re-opened in 2008?

13:06:32 6 A. Yes.

13:06:37 7 Q. Yes?

13:06:37 8 A. Yes.

13:06:40 9 Q. Do you know who re-opened that office?

13:06:46 10 A. The same two names that I already mentioned:

13:06:50 11 Margaret and Manala Rai, which is the wives of Shaher

13:06:54 12 and Yusef.

13:06:58 13 Q. And do you know who provided the funding for

13:07:01 14 that office when it re-opened in 2008?

13:07:12 15 A. No.

13:07:13 16 Q. Do you know -- you testified that you

13:07:15 17 understand the funding for the office to have been

13:07:17 18 cut off in 2002?

13:07:40 19 A. According to the internal -- internal

13:07:44 20 discussions among them, they say: We do not have

13:07:47 21 funds to run an office.

13:07:49 22 Q. Do you know who was funding them up until

13:07:51 23 that time in 2002 when the funding was cut off?

13:08:00 24 A. No.

13:08:02 25 Q. Are you aware that the PFLP has a website?

13:08:18 1 A. I personally did not have a look at it.

13:08:22 2 Q. Do you know that it exists?

13:08:26 3 A. I haven't seen it.

13:08:28 4 Q. Have you heard about it?

13:08:31 5 A. No. I am not into -- I am not into Internet

13:08:42 6 and electronics. That's not of much concern to me.

13:08:49 7 We have an IT unit that handles these matters.

13:08:55 8 Q. You testified earlier that you believe the

13:08:57 9 PFLP office in Kalkilya was involved with -- I think

13:09:02 10 the word you used was "social activities," but maybe

13:09:06 11 "political."

13:09:07 12 Is that your testimony?

13:09:27 13 A. Politically?

13:09:28 14 (Court reporter clarification.)

13:09:28 15 Q. BY MR. SCHOEN: What kind of activities do

13:09:33 16 you believe the PFLP office in Kalkilya was involved

13:09:38 17 with, again, let's say between 1998 and 2002?

13:09:53 18 A. Most of it was raising the flag of the PFLP,

13:10:02 19 reviving the memory of establishing the Front, the PFLP.

13:10:10 20 These are the public activities that are open to the

13:10:13 21 public.

13:10:15 22 Q. You are aware, sir, that since it began, the

13:10:18 23 PFLP has been involved with violent terrorist incidents;

13:10:24 24 correct?

13:10:25 25 MR. HIBEY: That presumes a fact not in

13:10:27 1 evidence. Objection. Objection.

13:10:39 2 THE WITNESS: The Popular Front in Kalkilya?

13:10:43 3 Q. BY MR. SCHOEN: The Popular Front for the

13:10:46 4 Liberation of Palestine, the PFLP.

13:10:55 5 A. I don't know.

13:10:55 6 Q. You don't know whether the PFLP has ever been

13:10:59 7 involved in a violent terrorist incident, action?

13:11:04 8 MR. HIBEY: Objection. That presumes facts

13:11:07 9 not in evidence. I think you're now arguing with the

13:11:11 10 witness. Objection.

13:11:12 11 MR. SCHOEN: I'm not pretending to argue. I'm

13:11:14 12 asking him a question: "Do you know?" Okay?

13:11:17 13 MR. HIBEY: The question has been asked and

13:11:19 14 answered.

13:11:23 15 Q. BY MR. SCHOEN: Do you know whether the PFLP

13:11:27 16 has been involved in the past in violent terrorist

13:11:32 17 actions?

13:11:43 18 A. I am not pursuing the case of the PFLP. I am

13:11:48 19 here in order to witness over a case that is connected

13:11:53 20 with my district.

13:11:55 21 Q. I'm asking you a question: As a security

13:12:00 22 officer or as a Palestinian, are you aware that the

13:12:04 23 PFLP has been involved in violent terrorist actions?

13:12:08 24 MR. HIBEY: Well, I'm going to object to that

13:12:12 25 because it calls upon him to testify as other than a

13:12:20 1 30(b) (6) witness. His personal opinion or awareness
13:12:25 2 is not relevant.

13:12:45 3 THE WITNESS: I do not have any information
13:12:48 4 on such issues. My job, it is to monitor any behavior
13:13:00 5 that might undermine public order in my governorate,
13:13:07 6 my district.

13:13:10 7 Q. BY MR. SCHOEN: Do you ever monitor the PFLP?

13:13:14 8 A. All the political factions.

13:13:16 9 Q. I'm asking about the PFLP.

13:13:19 10 A. Yes, we do.

13:13:21 11 Q. Why do you monitor the PFLP?

13:13:24 12 A. The same answer. We also monitor the
13:13:28 13 activities of Fatah. All the political activities,
13:13:34 14 we monitor.

13:13:35 15 Q. Are you monitoring them for, among other
13:13:39 16 reasons, to see whether they're involved in violent
13:13:43 17 activity?

13:13:58 18 A. Any faction which is involved in violence
13:14:01 19 or in terrorism, measures are taken to follow-up on
13:14:06 20 them, even if it was Fatah.

13:14:09 21 Q. And is the PFLP one such organization?

13:14:15 22 A. Yes.

13:14:17 23 Q. Are you aware, sir, of the murder of the
13:14:21 24 cabinet minister Ze'evi, Rehavam Ze'evi?

13:14:29 25 A. Of course I am.

13:14:31 1 Q. Do you know whether a PFLP member was involved
13:14:35 2 with that murder?

13:14:43 3 A. To the best of my knowledge, those involved
13:14:48 4 in this murder, they have been held by the GIS, and they
13:14:56 5 were imprisoned in Jericho. And then the Israelis came
13:15:02 6 and captured them. I did not conduct any investigation
13:15:06 7 with them. I don't know them personally.

13:15:09 8 Q. Is Ahmed Sa'adat one such person?

13:15:16 9 A. That the intelligence have detained?

13:15:19 10 Q. That you were just describing as among the
13:15:23 11 people the GIS detained in connection with the Ze'evi
13:15:28 12 murder.

13:15:32 13 A. No. There were three others.

13:15:34 14 Q. Who were they?

13:15:36 15 A. I don't recall the names.

13:15:37 16 Q. And you don't know whether they were PFLP
13:15:40 17 members?

13:15:42 18 A. I don't know.

13:15:43 19 Q. Do you know that Ahmed Sa'adat is the leader
13:15:48 20 of the PFLP?

13:15:49 21 A. Yes, I do.

13:15:51 22 Q. Are you aware, sir, that Ahmed Sa'adat has
13:15:56 23 written that the use of violence is permitted --

13:15:59 24 MR. HIBEY: Oh, I'm going to object. Wait
13:16:01 25 a minute. I'm going to object to that.

13:16:04 1 The way you've framed it is total hearsay
13:16:07 2 without any support whatsoever and certainly not in
13:16:11 3 this record. And I respectfully object to your asking
13:16:17 4 the question of that -- in that form.

13:16:30 5 THE WITNESS: No, I don't know.

13:16:35 6 Q. BY MR. SCHOEN: Have you ever written -- read
13:16:38 7 anything that Ahmed Sa'adat has written?

13:16:45 8 A. I'm not interested in that.

13:16:49 9 Q. Are you familiar with political positions
13:16:52 10 advocated by the PFLP?

13:17:02 11 A. Not at all.

13:17:03 12 Q. Are you familiar with the Ali Abu Mustafa
13:17:07 13 Brigade?

13:17:16 14 A. I heard about it after the murder of Ra'ed
13:17:18 15 Nazzal.

13:17:20 16 Q. What do you understand the Ali Abu Mustafa
13:17:26 17 Brigade to have been?

13:17:30 18 A. According to the charges against Ra'ed Nazzal,
13:17:41 19 it used to be the military wing of the PFLP.

13:17:48 20 Q. "Used to be"?

13:17:54 21 A. That was the charge against Ra'ed Nazzal, that
13:17:57 22 he is a member of the military wing of the PFLP.

13:18:03 23 Q. Do you know if, between 1998 and 2002, there
13:18:06 24 was a military wing of the PFLP?

13:18:24 25 A. In Kalkilya, I don't know.

13:18:26 1 Q. Anyplace, are you familiar with -- do you know
13:18:33 2 whether there has existed at any time a military wing
13:18:36 3 of the PFLP?

13:18:48 4 A. I don't know on this subject.

13:18:51 5 Q. Have you ever heard of a military wing of the
13:18:53 6 PFLP?

13:19:03 7 A. No.

13:19:05 8 Q. Do you believe the PFLP is divided into two
13:19:08 9 or more different wings?

13:19:16 10 A. I have no knowledge about the PFLP.

13:19:21 11 Q. Let's go to the rest of the documents you
13:19:24 12 have. Are the rest of the documents --

13:19:31 13 A. But let me clarify a point, that 64 and 65
13:19:35 14 complement each other. They are not separate.

13:19:42 15 Q. Okay. Are the rest of the documents through
13:19:44 16 67 -- that would be 63 through 67 -- do they all relate
13:19:55 17 to the Shaher Al-Rai and Hindi matters that you were --

13:20:02 18 A. Yes.

13:20:03 19 Q. Same thing -- kind of thing you were
13:20:05 20 testifying about earlier, the Al-Hindi and Shaher
13:20:07 21 Al-Rai?

13:20:08 22 A. Yes.

13:20:14 23 Q. So the rest of the documents, 63 through 67 --

13:20:21 24 A. The same topic.

13:20:23 25 Q. Same topic.

13:20:24 1 Any other relevance, those documents, to the
13:20:29 2 Karnei Shomron attack?

13:20:32 3 A. No.

13:20:33 4 Q. Now, considering the documents 51 through 54
13:20:39 5 that I showed you earlier, which we called Exhibit A,
13:20:49 6 and the documents that we're calling Exhibit B, 63
13:20:55 7 through 67, are there any other documents that you
13:21:01 8 provided to the defense?

13:21:07 9 A. No.

13:21:07 10 Q. Mr. Dahbour, is it your testimony that of
13:21:37 11 all of the files you reviewed in connection with this
13:21:41 12 case, Exhibit A and Exhibit B represent the total body
13:21:53 13 of documents that you provided to the defense?

13:22:02 14 A. Yes.

13:22:05 15 MR. SCHOEN: Then I have to ask Mr. Hibey
13:22:08 16 if you know -- as I say, this morning, courtesy of
13:22:14 17 Mr. O'Toole, we were provided with what we were told
13:22:18 18 were the originals of the documents that were provided
13:22:21 19 to us on September 10, 2012.

13:22:27 20 There is -- I'll represent there is a
13:22:33 21 document in there that is not in among the documents
13:22:37 22 we were given on September 12 -- September 10, 2012,
13:22:45 23 and the originals don't have Bates stamps on them
13:22:48 24 anyway. But a comparison of that document with the
13:22:51 25 face of the documents that we were given indicates

13:22:55 1 that it was not a document that was given to us.

13:23:01 2 I just assume it was inadvertently left out

13:23:07 3 of the documents that were given to us. But I'd like

13:23:10 4 to examine the witness about it, and I don't have Bates

13:23:15 5 stamped copies of it.

13:23:17 6 MR. HIBEY: I -- I'm a little confused by what

13:23:21 7 you've just said. You're telling me that, on September

13:23:25 8 10th, when we provided you with documents, there was one

13:23:29 9 less document in it than what we brought to you today?

13:23:34 10 MR. SCHOEN: There was -- on September 10

13:23:37 11 you all provided documents. Mr. McAleer provided

13:23:41 12 documents Bates stamped 51 to 67, which I think is

13:23:47 13 about 17 pages of documents. We see originals in the

13:23:51 14 file that Mr. O'Toole gave us of the originals of those

13:23:54 15 17 pages.

13:23:56 16 And then there is an additional document,

13:23:58 17 which I'm assuming to be a document that you all

13:24:02 18 intended to turn over to us, because it's in the group

13:24:05 19 of originals of the documents that were turned over.

13:24:07 20 MR. O'TOOLE: Could we review that document?

13:24:11 21 MR. SCHOEN: Yes.

13:24:11 22 MR. O'TOOLE: It may have been inadvertent.

13:24:12 23 MR. SCHOEN: Yes. I believe it's a two-page

13:24:14 24 document. (Indicating.)

13:24:20 25 MR. HIBEY: Maybe we need to step outside.

13:24:25 1 MR. O'TOOLE: Can we go off the record?

13:24:26 2 MR. SCHOEN: Go off -- go off the record.

13:24:26 3 THE VIDEOGRAPHER: Going off the record at

13:24:29 4 1:25.

13:24:31 5 (Brief discussion held off the record.)

13:26:00 6 THE VIDEOGRAPHER: Back on the record at 1:26.

13:26:02 7 MR. HIBEY: Mr. Schoen, I appreciate your

13:26:05 8 bringing this to our attention. Indeed, it is

13:26:11 9 inadvertent.

13:26:11 10 These are the notes in ink, on the right-hand

13:26:13 11 side, of one of our colleagues, John Eustice, whom you

13:26:20 12 met yesterday. This is an inadvertent turnover of two

13:26:29 13 pages that were given to us. In other words, it was

13:26:35 14 created for us, and it would appropriately be the

13:26:42 15 subject of a privilege log.

13:26:45 16 So I understand this was inadvertent. But

13:26:50 17 I'm telling you that this should not have been turned

13:26:54 18 over to you.

13:26:54 19 MR. SCHOEN: Let me ask you a question by

13:26:55 20 way of full disclosure.

13:27:00 21 I have asked someone to summarize that

13:27:03 22 document in the limited period of time we've had

13:27:03 23 available today. So I am aware to some degree, in

13:27:03 24 summary fashion, of what that document provides.

13:27:06 25 It certainly, in my view -- I'm characterizing

13:27:10 1 it -- provides information that would be directly
13:27:12 2 relevant to this examination. And it provides a great
13:27:15 3 deal more information about the bomber, Mr. Hafez, and
13:27:19 4 his PFLP membership, from sources of information that
13:27:24 5 we simply have not seen, because we haven't seen that
13:27:28 6 information yet.

13:27:30 7 I would ask that that document be marked as
13:27:33 8 an exhibit and then sealed, if that's what the defense
13:27:37 9 wants. But for whatever purpose it might be used in
13:27:42 10 the future, I believe it ought to be marked. And if
13:27:45 11 the defense wants it to be sealed, it can be sealed.

13:27:50 12 Because I'm very troubled that we haven't
13:27:52 13 been provided with the underlying information that's
13:27:55 14 reflected in that document, as I understand the document
13:27:58 15 to reflect, from the summary I was given of it.

13:28:09 16 I'm -- I'm also willing, by the way, to
13:28:12 17 the extent the defense wants to cover up hand notes
13:28:17 18 or something like that, to agree to that for these
13:28:23 19 purposes.

13:28:25 20 I suppose I'd like to understand better. Are
13:28:28 21 you saying that this is not a document -- no part of
13:28:31 22 this document is a document produced from a file -- all
13:28:36 23 of this document is some person on the defense team's --

13:28:40 24 MR. O'TOOLE: It's a document created by a
13:28:44 25 client to report to attorney requests.

13:28:49 1 MR. SCHOEN: All right. So -- I mean, I
13:28:49 2 understand, of course, why the defense would consider
13:28:52 3 that to have a privileged nature.

13:28:56 4 On the other hand, I hope the defense
13:28:58 5 understands why I would be very troubled that the
13:28:58 6 client, whose depositions we've been trying to take,
13:29:01 7 would have such information, which, in our view, if
13:29:06 8 we understand the summary we have been provided, would
13:29:08 9 clearly have been the subject of outstanding discovery
13:29:11 10 requests due previously and these depositions. And I
13:29:15 11 was, frankly, quite surprised to see that information
13:29:19 12 in there.

13:29:20 13 That's why I would like to have it marked
13:29:23 14 for possibly future litigation. But I understand,
13:29:28 15 because the defense feels it's a privileged document,
13:29:32 16 why sealing that document would be appropriate.

13:29:39 17 MR. HIBEY: Well, I would prefer that we
13:29:44 18 retain the copy, as well as be assured that no copy
13:29:50 19 has been made of this during the time the document
13:29:54 20 has been in your possession. And I think you can be
13:30:00 21 assured that the document will be retained -- this
13:30:08 22 document which you handed me, which we inadvertently
13:30:13 23 provided to you today -- retained by us for purposes
13:30:19 24 of additional litigation you wish to wage concerning it.

13:30:26 25 So my first question is: Have you copied this

13:30:30 1 document during the time it was in your possession?

13:30:35 2 MR. SCHOEN: I'm not prepared to answer that
13:30:37 3 at this time.

13:30:37 4 MR. HIBEY: Yeah.

13:30:37 5 MR. SCHOEN: I don't know the answer to that
13:30:39 6 at this time.

13:30:40 7 MR. HIBEY: Well, perhaps you can consult
13:30:42 8 with your local counsel and give me an answer, because
13:30:45 9 I think that's important to know.

13:30:48 10 MR. SCHOEN: My first question is: Would you
13:30:50 11 agree to mark the document for preservation purposes?

13:30:53 12 MR. HIBEY: I agree to mark the document for
13:30:56 13 preservation purposes. I am not agreeable to it being
13:31:01 14 out of our possession.

13:31:03 15 So it can be marked, and it would be retained
13:31:06 16 by us on the representation that we've made that it will
13:31:09 17 be retained for purposes of any future litigation.

13:31:14 18 But my other question remains unanswered at
13:31:17 19 this time: Has this document been copied by your side
13:31:24 20 during the time it has been in your possession?

13:31:30 21 MR. SCHOEN: Would you agree to turn the
13:31:32 22 document over to a third party for custody?

13:31:35 23 MR. HIBEY: Well, I think I need to consider
13:31:38 24 that only after I know the answer to the question I put
13:31:42 25 to you. I put it to you three or four times.

13:31:45 1 I am prepared to infer that you have copied
13:31:51 2 it. And I take it by your silence that you are
13:31:57 3 affirming that the document has been copied.

13:32:01 4 MR. SCHOEN: Sir, you have no right to take
13:32:03 5 anything from my silence. I've already told you that
13:32:06 6 I don't know the answer to the question. So to infer
13:32:10 7 otherwise is, quite frankly, to me, offensive.

13:32:14 8 MR. HIBEY: This is not -- no. It shouldn't
13:32:15 9 be offensive.

13:32:15 10 MR. SCHOEN: Okay.

13:32:16 11 MR. HIBEY: It should be obvious to you that
13:32:18 12 we've been here together for a number of hours, during
13:32:21 13 which time you have had possession of this document.
13:32:25 14 You cannot sit here across the table and plead ignorance
13:32:29 15 to me about its disposition while it's been in the hands
13:32:31 16 of your people.

13:32:32 17 You've got Mr. Haller there, and you've got
13:32:35 18 a gentleman who apparently has been assisting in this
13:32:40 19 particular examination. I want to know if you gentlemen
13:32:43 20 have copied it.

13:32:45 21 Now, that's a pretty straightforward question,
13:32:53 22 and I think the silence on that is deafening.

13:32:58 23 MR. SCHOEN: Again, you're entitled to think
13:33:00 24 whatever you think. I don't intend silence to be any
13:33:05 25 kind of answer at any time.

13:33:06 1 MR. HIBEY: Well, good for you. But I think
13:33:09 2 you understand that, in the circumstances, the record
13:33:12 3 can easily be read to infer that you have copied this
13:33:16 4 document.

13:33:17 5 MR. SCHOEN: The record should infer that I
13:33:20 6 refuse to answer your question at this time, not that
13:33:22 7 there is any affirmative inference from that. I have
13:33:26 8 told you I don't know the answer. So you shouldn't
13:33:29 9 draw any affirmative inference from my silence.

13:33:32 10 MR. HIBEY: And I am imploring -- this is
13:33:32 11 not personal, Mr. Schoen. You've got a side. I am
13:33:37 12 imploring you -- you are surrounded by lawyers and
13:33:39 13 consultants and somebody in the corner who is probably
13:33:43 14 a lawyer as well. Talk to them. Ask them the question.

13:33:47 15 MR. SCHOEN: I may certainly be willing to do
13:33:49 16 that. You said you're inferring an affirmative response
13:33:52 17 from my silence.

13:33:54 18 MR. HIBEY: Only because I've asked it five
13:33:55 19 times of your side, not of you.

13:33:56 20 MR. SCHOEN: I have no obligation to answer
13:33:58 21 any question you ever ask me, with all due respect.

13:34:02 22 MR. HIBEY: All right. All right, then.
13:34:02 23 That's the position you take. I just needed to
13:34:05 24 understand that very clearly on this record.

13:34:11 25 MR. SCHOEN: Now, I am willing to go off

13:34:13 1 the record and discuss it with the other people at
13:34:16 2 the table here.

13:34:18 3 MR. HIBEY: Thank you.

13:34:19 4 THE VIDEOGRAPHER: Going off the record at
13:34:20 5 1:35.

13:34:22 6 (Recess from 1:35 p.m. to 1:45 p.m.)

13:34:22 7 THE VIDEOGRAPHER: Back on the record at 1:45.

13:45:08 8 MR. SCHOEN: Mr. Hibey, I'm -- I'm now going
13:45:11 9 to provide you with a full account of what I understand
13:45:15 10 transpired with respect to the document we're talking
13:45:17 11 about and our position on it. Mr. O'Toole certainly
13:45:20 12 is here with us to correct anything I've said that's
13:45:23 13 wrong factually.

13:45:26 14 We were given the documents this morning
13:45:30 15 in an envelope by Mr. O'Toole. Mr. O'Toole gave it
13:45:34 16 to Mr. Haller. We understood these documents to be
13:45:38 17 the originals of the documents that Mr. McAleer --
13:45:42 18 Mr. O'Toole, you're not recording this on there, are
13:45:45 19 you?

13:45:48 20 MR. O'TOOLE: I'm not recording this.

13:45:49 21 MR. SCHOEN: Okay. Is someone else on the
13:45:49 22 telephone?

13:45:49 23 MR. O'TOOLE: No, I'm actually looking at the
13:45:53 24 Federal Rules of Civil Procedure 26(b).

13:45:56 25 MR. SCHOEN: Not my business. What is it?

13:45:57 1 MR. O'TOOLE: I'll talk about it when you're
13:45:59 2 done.

13:46:00 3 MR. SCHOEN: Sure. We were given the
13:46:03 4 documents -- let me back up.

13:46:05 5 I understand that yesterday a request
13:46:06 6 was made to Mr. O'Toole to provide the originals
13:46:09 7 of the documents that Mr. McAleer e-mailed to us on
13:46:12 8 September 10th, because certain of the documents we
13:46:15 9 received were illegible. And it was our hope that
13:46:18 10 the originals would be more legible.

13:46:20 11 Mr. O'Toole, as I understand it, agreed to
13:46:23 12 that request and, this morning, handed Mr. Haller an
13:46:26 13 envelope which he represented to be the originals of
13:46:29 14 the documents that Mr. McAleer had e-mailed to us on
13:46:34 15 September 10, 2012.

13:46:36 16 When mister -- the understanding was,
13:46:38 17 Mr. Haller had, that Mr. O'Toole not only intended for,
13:46:44 18 but told Mr. Haller, that these documents should all be
13:46:50 19 copied, with the originals to be returned to the defense
13:46:52 20 team. Mr. Haller then copied all of the documents. And
13:46:56 21 the documents, as a matter of course, were distributed
13:46:58 22 to other members of the defense team.

13:47:03 23 MR. HIBEY: Of the --

13:47:04 24 MR. SCHOEN: Of the defense team.

13:47:10 25 MR. HIBEY: Distributed here to other members

13:47:12 1 of the plaintiffs' team?

13:47:14 2 MR. SCHOEN: Oh.

13:47:15 3 MR. O'TOOLE: "Plaintiffs."

13:47:15 4 MR. SCHOEN: I absolutely misspoke on the
13:47:18 5 record. I meant to say the plaintiffs' team. I'm
13:47:22 6 used to being on the other side and doing defense work.

13:47:26 7 They were distributed to members of the
13:47:27 8 plaintiffs' team as a matter of course.

13:47:30 9 You and Mr. Hibey have now advised us that
13:47:34 10 this document we're talking about, this two-page
13:47:38 11 document, was a document that was not among the
13:47:41 12 documents -- you believe was not among the documents --
13:47:43 13 and I think we all agree was not among the documents
13:47:47 14 that Mr. McAleer e-mailed to us on September 10, 2012.

13:47:54 15 I understand you to have described this
13:47:58 16 delivery to us as the inadvertent delivery of a
13:48:04 17 privileged document, privileged because it is a
13:48:07 18 document created by your client for you.

13:48:14 19 After a review of the document, we believe,
13:48:17 20 respectfully, that the document is not properly
13:48:19 21 a privileged document and what occurred was the
13:48:23 22 inadvertent disclosure of a non-privileged document,
13:48:26 23 which we believe on its face -- perhaps with the
13:48:29 24 exception of what you have described as the handwritten
13:48:32 25 notes of Mr. Eustice -- and there clearly are what

13:48:36 1 appear to be handwritten notes in blue ink on the top
13:48:41 2 right margin of the document. We believe it to be a
13:48:45 3 pre-existing document that should have been disclosed
13:48:47 4 to us and that contains important material information
13:48:51 5 supportive of the plaintiffs' case that has been
13:48:54 6 improperly withheld from us, both the document itself
13:48:57 7 and the underlying information.

13:48:59 8 We would like to show this document to the
13:49:01 9 witness and ask the witness if he can identify the
13:49:04 10 document and ask the witness with a -- I don't know
13:49:09 11 what language the document's written in. I think the
13:49:13 12 document is written in Arabic. If the document is
13:49:16 13 written in Arabic, I would ask the witness to identify
13:49:20 14 the document, if he can. And in any event, I would
13:49:23 15 like to examine him about the contents of this document,
13:49:26 16 because I believe the document reflects non-privileged
13:49:31 17 fully relevant information that properly ought to be
13:49:34 18 the subject of this examination.

13:49:38 19 And one reason that I say we believe the
13:49:40 20 document to be a pre-existing document and a document
13:49:43 21 of non-privileged character is that, in form and in
13:49:50 22 content, to a great degree, it resembles other documents
13:49:56 23 that have been disclosed in this case. And I say
13:49:59 24 just in form and in character. I don't speak about
13:50:04 25 the substance of it. It appears to be similar to

13:50:08 1 or identical to the nature and character and form of
13:50:12 2 other documents that we understand to be pre-existing
13:50:16 3 documents taken from the files and produced to us from
13:50:19 4 the defense.

13:50:22 5 We would like to examine the witness about
13:50:24 6 the document. We believe we are entitled to it and
13:50:27 7 that we will be prejudiced if we're not able to on this
13:50:34 8 occasion. If we're not permitted to examine the witness
13:50:37 9 on this document, we certainly intend to seek sanctions,
13:50:39 10 including a reconvening of the deposition with the
13:50:41 11 payment of all associated expenses by the defense.

13:50:45 12 And what we would propose to do is -- I've
13:50:47 13 already asked you to make the document an exhibit to
13:50:51 14 this deposition, kept under seal, if you like. We
13:50:55 15 also would like to have this document -- maintain this
13:51:02 16 document in a confidential manner. And this case is
13:51:05 17 subject to a confidentiality order already.

13:51:08 18 We would keep it in a manner consistent with
13:51:11 19 the terms of that confidentiality order, in order, among
13:51:15 20 other things, to litigate the propriety or impropriety
13:51:20 21 of having withheld this document from us and the
13:51:24 22 propriety or impropriety of our having this document
13:51:28 23 and the underlying information.

13:51:29 24 If you just give me one second, I'll see
13:51:32 25 if there's anything else I wanted to say about this.

13:51:39 1 I've tried to make this point in my remarks
13:51:43 2 that I made. But, in any event, when I say we would
13:51:49 3 keep the document in a confidential manner, we certainly
13:51:53 4 would be amenable to having the document sequestered, as
13:51:58 5 that term is used in the Federal Rules, and specifically
13:51:58 6 in Rule 26, I believe is the relevant rule. I think I'm
13:52:03 7 referring to 26(b)(5)(B).

13:52:03 8 MR. O'TOOLE: Correct.

13:52:09 9 (Court reporter clarification.)

13:52:09 10 MR. SCHOEN: We would sequester the document
13:52:19 11 and keep it certainly sequestered, and in all regards,
13:52:23 12 subject to the confidentiality order.

13:52:26 13 That's all I have to say about it.

13:52:28 14 MR. O'TOOLE: I think, first, just to correct
13:52:30 15 a couple of things with respect to what happened that
13:52:33 16 I'm sure were inadvertent.

13:52:35 17 But I believe yesterday, during the
13:52:37 18 deposition, Mr. Haller asked Mr. Eustice to provide
13:52:40 19 these copies. Because of the logistics today with
13:52:44 20 the possible deposition in Ramallah, Mr. Eustice
13:52:49 21 prepared a -- Mr. Eustice prepared a file in response
13:52:51 22 to Mr. Haller's request. I delivered the file to
13:52:55 23 Mr. Haller this morning.

13:52:56 24 We were not aware that this document was
13:52:59 25 among the documents that was included in the file.

13:53:02 1 Any disclosure was completely inadvertent and related
13:53:06 2 to a document that we believed to be attorney/client
13:53:09 3 privileged.

13:53:10 4 Immediately after we learned of the
13:53:12 5 inadvertent disclosure, when you told us, we immediately
13:53:15 6 have notified you that the disclosure was inadvertent,
13:53:18 7 that the privilege -- that the documents, we believed,
13:53:18 8 were privileged.

13:53:19 9 And we are now requesting, after being
13:53:24 10 notified, that you promptly return -- well, you have
13:53:27 11 returned the document -- and sequester or destroy the
13:53:29 12 specified information in any copies it has, that you
13:53:32 13 cannot use or disclose the information until the claim
13:53:35 14 is resolved, and you must take reasonable steps to
13:53:39 15 retrieve any information, if the party has disclosed
13:53:42 16 the information beyond -- to others before being
13:53:44 17 notified, which it sounds like from your description
13:53:49 18 you may have done with respect to your consulting
13:53:51 19 experts.

13:53:52 20 And we would suggest that we would mark this
13:53:55 21 and, to the extent that any claim is raised disputing
13:53:59 22 our claim of privilege, that we will promptly present
13:54:01 23 this document under seal to the court for determination
13:54:05 24 of the claim.

13:54:09 25 MR. SCHOEN: Two brief things in response.

13:54:10 1 I think you just misspoke. You said that
13:54:13 2 Mr. Haller asked Mr. Eustice for these copies. I think
13:54:16 3 you meant the originals.
13:54:16 4 MR. O'TOOLE: For the originals, to the
13:54:18 5 extent that we have them. Because I think we gave you
13:54:21 6 the documents we were given. But I believe that those
13:54:24 7 documents were probably copies.
13:54:26 8 MR. SCHOEN: Yes. Yes, I understand.
13:54:26 9 MR. HALLER: I actually asked Mr. McAleer.
13:54:29 10 I think I e-mailed you all and asked for better copies.
13:54:32 11 And then Mr. Eustice approached me and said that the
13:54:32 12 copies will be brought today.
13:54:35 13 MR. O'TOOLE: I think that's -- I'm sure
13:54:36 14 that's accurate. I wasn't involved in it until this
13:54:39 15 morning, when I delivered the envelope.
13:54:40 16 MR. SCHOEN: It seems to me, if we were
13:54:42 17 to narrow our differences, the differences, as I
13:54:46 18 could identify them, would be that, among other
13:54:48 19 things, you're asking us to destroy all copies of
13:54:51 20 the document that we have. And I don't think that
13:54:53 21 would be appropriate, especially when what you would
13:54:56 22 have proposed and all you're willing to do in response
13:55:00 23 to my request is to mark the document as an exhibit and
13:55:03 24 to deliver the document to a third party. It certainly
13:55:07 25 would not be appropriate for us to destroy the document.

13:55:10 1 Again, what we're willing to do is sequester
13:55:14 2 the document, maintain it in a fully confidential form,
13:55:19 3 fully subject to the confidentiality order in this case
13:55:25 4 in all regards.

13:55:27 5 But what we're not willing to do -- again,
13:55:30 6 especially because what we believe the nature of the
13:55:32 7 document to be and what we believe to be the impropriety
13:55:36 8 of withholding this document and the contents of this
13:55:39 9 document, we would not be comfortable in knowing that
13:55:44 10 all copies other than the physical document that sits
13:55:49 11 before you right now had been destroyed.

13:55:56 12 MR. HIBEY: Do you have a copy of this
13:55:58 13 document?

13:56:00 14 MR. SCHOEN: Does the -- does our team have
13:56:01 15 a copy of this document? Is what you're asking?

13:56:05 16 MR. HIBEY: Yes.

13:56:06 17 MR. SCHOEN: Yes.

13:56:06 18 MR. HIBEY: Do you have multiple copies of the
13:56:08 19 document?

13:56:08 20 MR. SCHOEN: The document has been distributed
13:56:12 21 to other members on the defense team.

13:56:15 22 MR. HIBEY: On the --

13:56:15 23 MR. SCHOEN: The plaintiffs' team.

13:56:17 24 MR. HIBEY: We think that the rule, as
13:56:20 25 Mr. O'Toole has quoted it, governs this situation.

13:56:25 1 And therefore, on this record, we are requesting
13:56:31 2 that you return all copies of this document, which
13:56:37 3 we maintain was inadvertently turned over to you, so
13:56:42 4 that we may have all copies of the questioned material.

13:56:52 5 MR. O'TOOLE: Can I add one point here?

13:56:59 6 To the -- to the extent that the rule
13:57:01 7 permits sequestration, the rule is also very clear
13:57:04 8 that any party who sequesters cannot use or disclose
13:57:08 9 the information and has to take reasonable steps to
13:57:11 10 make sure that it is not used or disclosed.

13:57:16 11 And so I think I want to make very clear,
13:57:17 12 this is -- this is a document that you can't look at
13:57:18 13 at this point. The only thing you can do is retrieve
13:57:21 14 copies and put it in an envelope to the -- because that
13:57:23 15 is sequestration. It's not you keep it and hang on to
13:57:25 16 it for what -- for whatever use you want to make of it.
13:57:27 17 The rules are very clear. You can't use it.

13:57:30 18 MR. SCHOEN: Our proposal is to sequester
13:57:33 19 the document as a remedy, not to destroy the document.

13:57:36 20 We intend to litigate this issue. As I say,
13:57:38 21 we intend to litigate the issue in the context of a
13:57:40 22 sanctions motion and our entitlement to the document,
13:57:43 23 among other issues. So we are not willing to destroy
13:57:47 24 the document. We are willing to sequester the document,
13:57:52 25 as the term is used in the applicable Federal rule.

13:57:58 1 MR. O'TOOLE: We believe that destruction
13:57:59 2 would be the better remedy. But, obviously, we're not
13:58:03 3 going to be able to forcibly take the documents from
13:58:06 4 you, so I think we'll have to litigate.

13:58:11 5 MR. SCHOEN: I don't think the rule
13:58:11 6 expresses a preferable remedy between sequestration
13:58:15 7 and destruction. But in any event, to the extent it
13:58:16 8 does, we believe the rule gives a choice.

13:58:17 9 We believe the appropriate and only
13:58:18 10 appropriate choice in this case would be sequestration
13:58:19 11 until this matter is resolved and certainly keeping the
13:58:25 12 document in all regards subject to the confidentiality
13:58:30 13 order.

13:58:31 14 MR. HIBEY: Well, insisting on sequestration
13:58:33 15 on your part is only one aspect of this. The
13:58:36 16 information contained therein cannot be used and
13:58:41 17 cannot be disseminated. And, therefore, that is
13:58:46 18 simply what shall be the case until such time as
13:58:49 19 this issue is resolved by the court or resolved
13:58:55 20 otherwise.

13:58:56 21 I don't think you can take from this document
13:59:00 22 or from the record that we've attempted to make here
13:59:07 23 that this is any document other than what we represented
13:59:11 24 it to be. And it is clear to me that there is a strong
13:59:16 25 suggestion on your part that it is as we construe it,

13:59:21 1 because you most kindly brought it to our attention.

13:59:25 2 MR. SCHOEN: Let me respond to that again,
13:59:33 3 Mr. Hibey.

13:59:33 4 You continue, it seems to me, to engage
13:59:34 5 in the practice of trying to read my mind or infer
13:59:37 6 something that's simply neither accurate nor fair.

13:59:40 7 I explained to you when I disclosed the
13:59:40 8 document to you --

13:59:40 9 MR. HIBEY: Perhaps --

13:59:41 10 MR. SCHOEN: Let me finish, please -- why I
13:59:43 11 disclosed the document to you. It seemed --

13:59:46 12 MR. HIBEY: Perhaps -- I'm sorry. Go ahead.

13:59:47 13 MR. SCHOEN: You go ahead.

13:59:49 14 MR. HIBEY: Perhaps I should always say "you
13:59:51 15 all" when I speak to you, Mr. Schoen. I don't speak
13:59:55 16 to you personally. I'm talking about the side.

13:59:59 17 MR. SCHOEN: In this case -- I appreciate
14:00:00 18 that. But, in this case, I wasn't responding
14:00:02 19 personally. I was responding as a side.

14:00:02 20 I don't know, frankly, what's in anybody
14:00:04 21 else's mind. I do know the reason that I first
14:00:07 22 raised this with you before I showed it to the witness.
14:00:11 23 The reason is because it didn't appear, as I compared
14:00:15 24 documents with the Bates stamped documents, that this
14:00:17 25 was one of those documents. My conclusion from that

14:00:22 1 was to, in my view, give you the benefit of the doubt.

14:00:25 2 I didn't believe it was a privileged document.

14:00:28 3 I thought that, when you folks gave us

14:00:31 4 documents, you carefully reviewed whatever documents

14:00:34 5 were given to us and that those documents were documents

14:00:38 6 you believed had been given to us.

14:00:40 7 And, therefore, if I didn't examine on that

14:00:43 8 document, would take the position that we had all of

14:00:46 9 the information that's contained in that document and

14:00:48 10 that, if we had wanted to examine this witness on that

14:00:51 11 information, we should have done it. After all, it was

14:00:53 12 in the envelope of documents we gave to you today, and

14:00:58 13 we wouldn't have given you documents unless we intended

14:01:00 14 for you to see those documents.

14:01:01 15 So that's why, as a precaution, I simply asked

14:01:02 16 you first, drew it to your attention, but not because

14:01:07 17 I believed it to be a privileged document. And I don't

14:01:10 18 think it's either fair or appropriate for you to infer

14:01:13 19 some kind of mal intent or some kind of belief that you

14:01:17 20 have no basis for making.

14:01:19 21 I've explained to you, and to the extent you

14:01:22 22 come to any other conclusion, you're simply questioning

14:01:25 23 my representation, which you're entitled to do.

14:01:30 24 MR. HIBEY: Well, I'm trying hard not

14:01:32 25 to question your representation, because I'm still

14:01:37 1 grateful for the fact that you brought this matter
14:01:41 2 to our attention.

14:01:43 3 But, unfortunately, now that the point has
14:01:46 4 been pressed as it has been in the colloquy that we've
14:01:48 5 been having, I think it's important for your side to
14:01:56 6 advise the record as to when, after we arrived here
14:02:02 7 this morning and turned these materials over to you,
14:02:06 8 it was realized by your side that there were two pages
14:02:10 9 more than what we have otherwise indicated or otherwise
14:02:19 10 provided you on the 10th of September. And --

14:02:22 11 MR. SCHOEN: Well --

14:02:22 12 MR. HIBEY: Just hear me out.

14:02:29 13 MR. SCHOEN: Yes. Sure.

14:02:29 14 MR. HIBEY: It would seem to me that at that
14:02:27 15 point -- at that point, someone who realized that there
14:02:32 16 were two pages more might have brought this to our
14:02:36 17 attention, rather than causing somebody on your side
14:02:43 18 who can read Arabic to read it, to copy it, and then,
14:02:49 19 only hours later, bring it to our attention in the
14:02:55 20 fashion that it was done.

14:02:57 21 MR. SCHOEN: Two things. I can assure you
14:02:59 22 this document was not copied and distributed before
14:03:03 23 anyone realized that it was anything other than what
14:03:05 24 we understood it to be, that is, a set of originals
14:03:10 25 of the documents we had been provided. It was handed

14:03:11 1 as a set. That set was copied and distributed. I'm
14:03:15 2 not going to inquire of every member of the team as
14:03:18 3 to when each person recognized there were two extra
14:03:22 4 documents.

14:03:22 5 We approached this document in the manner
14:03:25 6 we believe appropriate. We're suggesting a remedy we
14:03:29 7 believe appropriate. And from our perspective, that's
14:03:32 8 the end of it.

14:03:34 9 MR. HIBEY: Well, you have our position.

14:03:36 10 MR. SCHOEN: Sure. Okay. I'd now like to
14:03:40 11 show the document to the witness and examine the witness
14:03:44 12 about the document that we've been discussing.

14:03:57 13 MR. HIBEY: I'm not altogether comfortable
14:04:00 14 with that at this time. I would like to take time off
14:04:03 15 the record to consider the request.

14:04:05 16 MR. SCHOEN: Of course.

14:04:05 17 MR. HIBEY: We don't need much time, but --

14:04:10 18 MR. SCHOEN: Of course.

14:04:14 19 THE VIDEOGRAPHER: Going off the record at
14:04:14 20 2:05.

14:15:50 21 (Recess from 2:05 p.m. to 2:16 p.m.)

14:15:53 22 THE VIDEOGRAPHER: Back on the record at 2:16.

14:16:01 23 MR. HIBEY: We've had the opportunity to
14:16:03 24 consult.

14:16:06 25 We think that there ought to be questioning

14:16:11 1 regarding the nature of this document, not its content,
14:16:17 2 put to the witness in aid of an ultimate determination
14:16:23 3 as to whether these pages are privileged. That being
14:16:32 4 the case, I propose that questioning of the witness at
14:16:41 5 this time on that subject be made.

14:16:49 6 In addition, since it is we who are asserting
14:16:53 7 the privilege, I propose to be the first to ask the
14:17:03 8 witness questions concerning the document.

14:17:09 9 MR. SCHOEN: My response is this: First
14:17:11 10 of all, I would not concede in any regard that
14:17:15 11 these questions and answers would be the ultimate
14:17:18 12 determination, as I believe you put it, as to whether
14:17:20 13 the document is privileged. And I also believe that
14:17:25 14 we should be able to conduct the examination, since
14:17:28 15 it's our deposition, and go first.

14:17:31 16 I was wondering -- I wanted to ask you two
14:17:34 17 questions if I could, Mr. Hibey. Obviously, you're
14:17:36 18 under no obligation to answer.

14:17:39 19 MR. HIBEY: Yes.

14:17:39 20 MR. SCHOEN: One would be: When you obtained
14:17:41 21 this document? And the second would be: Who has had
14:17:45 22 access to the document and who translated it for
14:17:50 23 Mr. Eustice to make those handwritten notes?

14:17:55 24 MR. HIBEY: Yes. I believe this document
14:17:58 25 came into our possession at around the time of the

14:18:02 1 materials which had been turned over for use.

14:18:07 2 MR. SCHOEN: Around September 10th?

14:18:09 3 MR. HIBEY: Yes.

14:18:11 4 Secondly, the translation that is reflected

14:18:17 5 here was part of our attempting to understand this, the

14:18:24 6 content of this material.

14:18:28 7 MR. SCHOEN: My question was: Who provided

14:18:30 8 that translation in order for mister -- you said, I

14:18:34 9 believe, those are Mr. Eustice's handwritten notes.

14:18:37 10 MR. O'TOOLE: We believe they are.

14:18:39 11 MR. SCHOEN: Yes. I don't believe Mr. Eustice

14:18:41 12 reads and understands Arabic.

14:18:43 13 MR. HIBEY: No, I'm not saying he was the

14:18:46 14 translator. He was the benefit of the translation.

14:18:52 15 And sitting here right now --

14:18:55 16 MR. O'TOOLE: I'm not sure about the answer

14:18:57 17 to that, and I wouldn't want to speculate.

14:19:01 18 MR. HIBEY: I'm not sure I know.

14:19:05 19 Now, I don't think that the fact that this

14:19:09 20 is a noticed deposition on your part justifies your

14:19:20 21 going first and asking questions of the witness, since

14:19:24 22 the burden is going to be on us in court, if it comes

14:19:29 23 to that. And that's what I meant by the ultimate

14:19:33 24 determination. If it comes to that, the burden is

14:19:36 25 on us. So I would like very much to be the first

14:19:41 1 to inquire of the witness regarding these two pages.

14:20:00 2 MR. SCHOEN: The concern -- the concern is
14:20:03 3 that leading questions will be put to the witness that
14:20:07 4 really can't be retracted and that the --

14:20:11 5 MR. HIBEY: Let me ask you something.

14:20:12 6 Is that your -- now I'm being personal. Is
14:20:15 7 that your concern?

14:20:17 8 MR. SCHOEN: Number one, I would never
14:20:19 9 disclose if there were -- I don't know about "ever."
14:20:22 10 I'm not disclosing whether any differences in our
14:20:27 11 team exist, but that's my position.

14:20:34 12 MR. HIBEY: I'm going first. This is my
14:20:37 13 burden.

14:20:41 14 MR. SCHOEN: I don't agree to that. But
14:20:44 15 I can't stop you, I don't think.

14:20:48 16 MR. HIBEY: All right. Let's mark this
14:20:51 17 as Sealed Exhibit Number 1.

14:20:54 18 Is that fair?

14:20:55 19 (Court reporter clarification.)

14:22:57 20 (I. Dahbour Sealed Exhibits 1 and 1A marked.)

14:23:02 21 MR. HIBEY: You had a question of me, sir?

14:23:02 22 MR. SCHOEN: Yeah.

14:23:02 23 MR. HIBEY: Please place that before the
14:23:02 24 witness.

14:23:07 25 MR. SCHOEN: I just want to ask you a

14:23:07 1 question, if you feel free to respond.

14:23:07 2 Is it your position that this witness

14:23:10 3 generated this document and had it provided to you?

14:23:12 4 MR. HIBEY: It is my understanding that the

14:23:15 5 witness provided the information that is contained on

14:23:18 6 this document.

14:23:20 7 MR. SCHOEN: To someone else who then --

14:23:22 8 MR. HIBEY: To our investigator, yes, who is

14:23:28 9 part of our --

14:23:29 10 MR. SCHOEN: If you insist on going forward

14:23:31 11 and asking your question, go ahead and ask your

14:23:34 12 question.

14:23:34 13 MR. HIBEY: Sure.

14:23:34 14 I want to show you, Mr. Dahbour, Sealed

14:23:40 15 Exhibit 1 and 1A.

14:23:58 16 CHECK INTERPRETER HAZOU: Dov, can you raise

14:23:59 17 your voice, please?

14:24:02 18 OFFICIAL INTERPRETER RABINOVITCH: I will.

14:24:04 19 CHECK INTERPRETER HAZOU: Thank you.

14:24:04 20 MR. HIBEY: I'm going to ask you to read it

14:24:06 21 to yourself.

14:25:37 22 First of all, do you recognize that document?

14:25:43 23 THE WITNESS: (Examining.) No.

14:25:43 24 MR. HIBEY: Does it contain --

14:25:49 25 THE WITNESS: As a document, no. As a

14:25:50 1 document, no, I'm not familiar.

14:25:53 2 MR. SCHOEN: I would object to any further

14:25:55 3 questions on this document once the witness has said

14:25:58 4 he doesn't recognize the document.

14:26:01 5 MR. HIBEY: I understand.

14:26:01 6 Your answer was "as a document, no."

14:26:08 7 Do you have any other information to state

14:26:13 8 regarding your understanding of the material contained

14:26:16 9 in that document?

14:26:18 10 MR. SCHOEN: Objection. Objection as to form.

14:26:26 11 Vague and otherwise objectionable.

14:26:36 12 THE WITNESS: Shall I answer?

14:26:38 13 MR. HIBEY: Yes.

14:26:39 14 MR. SCHOEN: First of all, I'm not in a

14:26:41 15 position to direct him not to answer. I don't have

14:26:43 16 that authority.

14:26:44 17 MR. HIBEY: Please answer.

14:26:48 18 THE WITNESS: After I read these two pages

14:26:50 19 in front of me, most of the information is available

14:26:57 20 within our security files.

14:27:06 21 There are maybe additional details about

14:27:09 22 his brothers, his sisters. But he was being with

14:27:19 23 Jamal Al-Hindi and Ra'ed Nazzal, accompanied by.

14:27:26 24 And Rafi Nasura -- he was like a picture by Rafi.

14:27:39 25 His pictures were taken by Rafi Nasura before the

14:27:41 1 operation was conducted.

14:27:43 2 MR. HIBEY: Okay. We're going beyond where
14:27:45 3 I want to be.

14:27:46 4 OFFICIAL INTERPRETER AGHAZARIAN: "We are
14:27:46 5 going beyond where I want to be."

14:27:46 6 MR. HIBEY: We're not going to stand in the
14:27:53 7 way of your questioning of the witness regarding this
14:27:56 8 document. We -- we know, as lawyers, how it was
14:28:01 9 created. And I am telling you that it is a document
14:28:05 10 that was created for us. But since the witness cannot
14:28:12 11 identify the document per se as a document, then I am
14:28:17 12 afraid we will go forward.

14:28:19 13 MR. SCHOEN: Thank you, Mr. Hibey.

14:28:20 14 Q. BY MR. SCHOEN: Mr. Dahbour, if you would,
14:28:25 15 please, take the first page of that document --

14:28:30 16 MR. HIBEY: By the way, the marginalia, we
14:28:33 17 agree, is definitely our work product?

14:28:36 18 MR. SCHOEN: Certainly. First of all, it's
14:28:40 19 not readable. But I certainly wasn't going to examine
14:28:41 20 on it.

14:28:41 21 MR. HIBEY: You can't read it.

14:28:43 22 MR. SCHOEN: But we're certainly not going to
14:28:44 23 use that.

14:28:47 24 THE WITNESS: I don't know English -- I'm
14:28:49 25 reading -- that well.

15:11:34 1 the validity of that position.

15:11:36 2 That's all I have to say. Thank you.

15:11:39 3 MR. HIBEY: All right. I think we're done.

15:11:41 4 MR. SCHOEN: Now, do we need to discuss

15:11:43 5 housekeeping on the record or not?

15:11:44 6 THE VIDEOGRAPHER: That concludes the video

15:11:46 7 deposition at 3:12.

15:11:48 8 (Brief discussion held off the record.)

15:14:06 9 MR. HIBEY: Back on the record. And it's okay

15:14:07 10 if this is not on the video record.

15:14:09 11 The court reporter will please note that the

15:14:11 12 contested exhibit, Sealed Deposition Exhibit 1 and 1A,

15:14:18 13 will be retained by defense counsel pendente lite.

15:14:29 14 MR. SCHOEN: And to be consistent, it is our

15:14:32 15 position it should be retained by the court reporter,

15:14:36 16 just our position, as I said earlier.

17 (The deposition concluded at 3:14 p.m.)

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CERTIFICATE OF WITNESS/DEPONENT

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3 I, IBRAHIM DAHBOUR, witness herein,
4 do hereby certify and declare the within and foregoing
5 transcription to be my examination under oath in said
6 action taken on September 12, 2012, with the exception
7 of the changes listed on the errata sheet, if any;

8 That I have read, corrected, and do hereby
9 affix my signature under penalty of perjury to said
10 examination under oath.

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IBRAHIM DAHBOUR, Witness

Date

1

CERTIFICATE OF REPORTER

2

3 I, AMY R. KATZ, RPR, do hereby certify:

4 That, prior to being examined, the witness
5 named in the foregoing deposition was duly affirmed by
6 me to testify to the truth, the whole truth, and nothing
7 but the truth;

8 That the foregoing deposition was taken before
9 me at the time and place herein set forth, at which time
10 the aforesaid proceedings were stenographically recorded
11 by me and thereafter transcribed by me;

12 That the foregoing transcript, as typed, is
13 a true record of the said proceedings;

14 And I further certify that I am not interested
15 in the action.

16

17

18 Dated this 15th day of October, 2012.

19

20

AMY R. KATZ, RPR

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23

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1 ERRATA SHEET

2 *** SHABTAI SCOTT SHATSKY, et al., v.

3 THE SYRIAN ARAB REPUBLIC, et al. ***

4

5 Page ____ Line ____ Change _____

6 Reason _____

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21 Page ____ Line ____ Change _____

22 Reason _____

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24 IBRAHIM DAHBOUR, Witness _____ Date _____

25